

Relevance Of Questioned Documents In The Court Of Law

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ABSTRACT

Document analysis, a very broad area in the field of forensics, is the examination and comparison of questioned documents with known material. Experts establish the authenticity of the documents and detect any changes, erasures, or obliterations that may have occurred. A document expert is a specially trained person who scientifically analyzes handwriting and other features in a document. Much to the frustration of investigators, attorneys and examiners, handwriting comparisons do not always result in positive conclusions. Instead, some reports contain opinions such as highly probable, probable, or no conclusion, all of which are inconclusive results. Due to the complexity of handwriting and the many factors which can affect it, definite conclusions in handwriting examinations are not always possible. The results of handwriting comparisons may be reported in several ways, reflecting varying degrees of certainty. Valid technologies are not adopted in the analysis of questioned documents. In this modern world where the forgery rate is increasing in a very fast pace, experts should use modern reliable technologies to solve the cases.

KEYWORDS : Questioned Document, Expert, Evidence.

1. INTRODUCTION

A document is anything that bears marks, signs or symbols, which have some meaning or conveys a message to someone. E.g: checks, wills, letters writings, notes, etc. According to Section 29 IPC (Indian Penal Code) Document denotes any matter expressed or described upon any substance through letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter. Albert Osborn. An American handwriting expert was the pioneer of the question document field.

2. CLASSIFICATION OF DOCUMENTS

- Genuine documents: These types of documents are always unique and one of its kinds. The official document authenticated by the owner or whomsoever it may belong.
- Questioned Documents: Any object that contains handwritten, typewritten, or printed markings, whose source or authenticity is in doubt, is referred to as a questioned document.

3. DOCUMENT ANALYSIS

Document analysis, a very broad area in the field of forensics, is the examination and comparison of questioned documents with known material. Experts establish the authenticity of the documents and detect any changes, erasures, or obliterations that may have occurred. A questioned document is any signature, handwriting, typewriting, or other written mark whose source or authenticity is in dispute or uncertain. Checks, certificates, wills, pass-ports, licenses, money, letters, contracts, suicide notes, receipts, and even lottery tickets are some of the questioned documents of interest. Experts in this field may examine handwriting, typewriting, commercial printing paper material, and the type of ink in these documents. A document expert is a specially trained person who scientifically analyzes

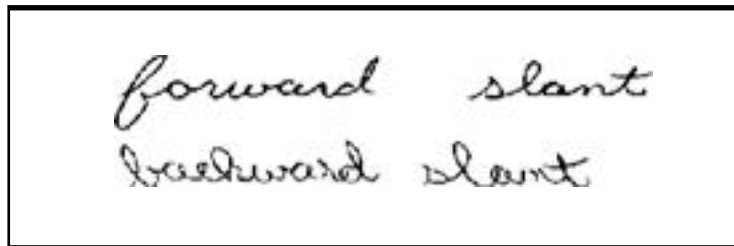
handwriting and other features in a document. For example, a document expert may be called into a crime scene area or to the lab to examine the handwriting of threatening notes, ransom notes, or suicide notes. Investigators analyze and compare various traits, such as the appearance of letters, of suspicious documents with known samples to help identify the author of the document. Investigators might also be asked to detect changes that may have occurred in an original document.

4. ADMISSIBILITY OF DOCUMENT EVIDENCE IN INDIA

- Section 45 of the Indian Evidence Act, 1872: Opinions of Experts - When the Court has to form an opinion upon a point of foreign law, or of science, or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identity of handwriting or finger impressions are relevant facts. Such persons are called experts
- Section 47 of the Indian Evidence Act, 1872: Opinion as to handwriting, when relevant - when the Court has to form an as Opinion to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

5. HANDWRITING CHARACTERISTICS

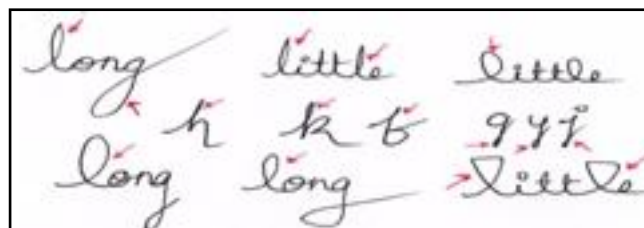
- Slant: This is the angle of writing and can be forward or backward. Slant in writing is characteristic that becomes highly significant under certain conditions because it is one of the most fixed habits. A slight slant in two writings of considerable length may be evidence that the writings are by different writers. While a prominent difference might be the result of intended disguise.



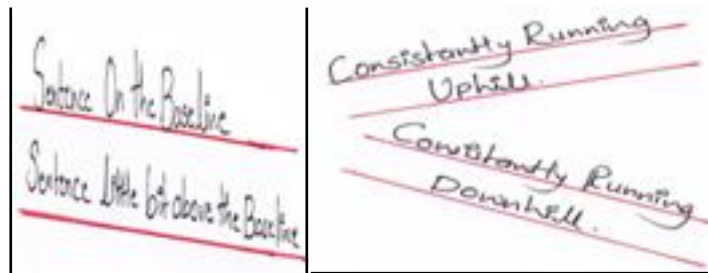
- Movement: The writing is executed with the movement of fingers, the wrist, the whole arm or the combination of some of these. Movement is the way a pen moves to form a letter. This can help distinguish the difference in the form. 2 letters can be the same but made differently.



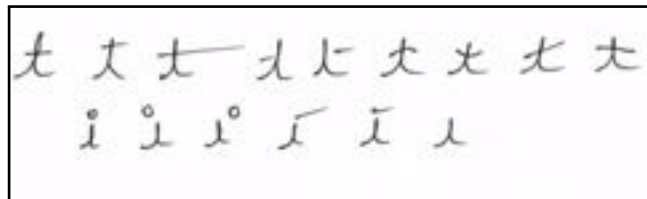
- Loops: Loops curved strokes combined to form a circle or an oval. It is the closed oblong curve in the letter, such as upper parts of 'l' or 'h' or the lower parts of 'y' or 'g'.



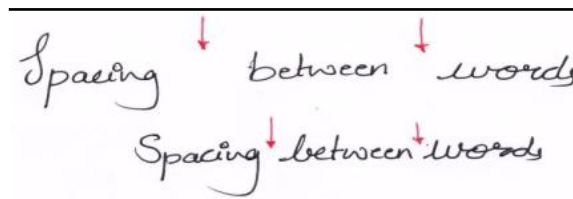
- Alignment: Alignment is the baseline of writing in Roman Scripts. In English the base line is at bottom. The letters and words sit on a line which may be actual or imaginary. The relation of letters of words or a signature or a written line with this actual or imaginary baseline is alignment. The alignment may be ascending, descending, even, irregular, uneven, and wavy.



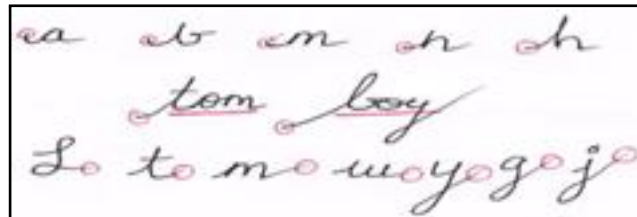
- t crossing & i dot: One of the most telltale strokes which will give away the forger is the 't crossing' & is 'i dot'. No matter how careful the imitator may be, he will have a hard time not leaving his own characteristics behind in making these strokes.



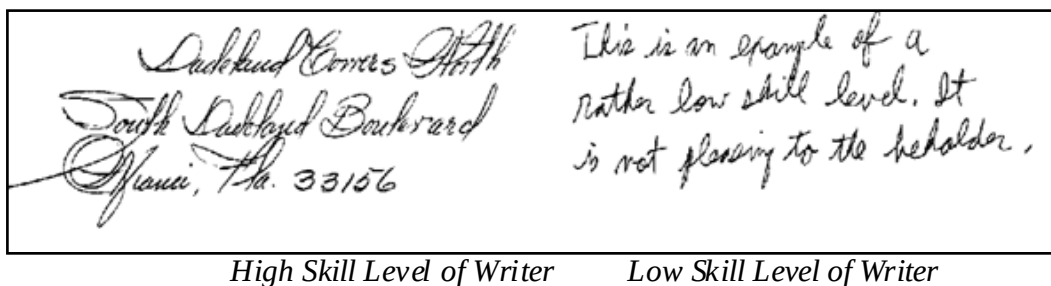
- Spacing: Spacing is the distance between letters in words between words in the sentences between two lines. Spacing is the very important factor in matter of traced forgeries when he disputed and model signatures are superimposed on each other. But in traced forgeries usually the spacing and size of alphabets remain mathematically same. Spacing may be Average, narrow or wider.



- Strokes: These are perhaps the most inconspicuous characteristics and the most difficult for forger to duplicate and are found in initial or final writing of handwriting. The end strokes are called spur. The systematic comparison of each of these strokes will give the examiner revealing evidence.



- Skill: The Skill acquired by a person depends upon his Initial training, writing experience and emotional and intellectual personality. He cannot improve upon it. A person with inferior skill cannot simulate the writing of a person with superior skill. He can thus be easily eliminated as suspect.



- Arc: it is a curved line in a letter specially found in the handwriting of an individual who writes cursive handwriting.



- Buckle: a small knot shaped loop or oval specially found in the letter A or K or F sometimes. this is a kind of improvisation in an individual's handwriting which develops with practice.



- Hook: it is small embellishment found in the form of hook at the beginning or sometimes at the ending of the letters.



- Staff: the longest straight stroke in specially capital letters is known as staff.



- Rhythm: Rhythm is found in the writing of educated persons with ample writing experience only. Rhythm is indicated by the flow of writing, correct line quality and punctuation and proportionate formation of letters and figures. It is the product of writing and reading experience and cannot be imitated.
- Pen pressure: Pressure or Force applied by the fingers in the process of writing. It is an unconscious act. Some persons put pressure on certain words or certain letters. The heavy pressure applied to the paper causes indentations behind the paper. Those who write with heavy pressure are slow writers. Illiterate persons ordinarily write with heavy pressure.
- Pen pause: Experienced and well-trained writers do not ordinarily pause in the writing the letters of a word. Pen pause is natural in the writing of illiterate persons who find it difficult to execute the writing. The pen pause from the forger's pen is different from the pause of an illiterate person though the reasons for pause are the same. The pen pauses in a forgery are in starting the stroke, ending stroke, embellishment at difficult formation and connectives.

- Pen lifts: Certain writers lift their pen when certain letter formations are met with. Eg: some writers lift a pen to put a dot, to cross at complete an incomplete letter. When the genuine signature does not contain any pen lifts consistently, pen lifts in the questioned signatures indicate forgery.
- Hesitations: The Starting and Ending Strokes in the forgery show Hesitations through the tremors of lack of firmness. These hesitations in the starting strokes occur because the forger is not certain whether he will be able to do the job efficiently or not. In the Ending stroke, he fears whether he has been able to forge the signature well or not. In genuine these strokes are done rather more freely than rest of the writing

6. COMPARISONS

- Much to the frustration of investigators, attorneys and examiners, handwriting comparisons do not always result in positive conclusions. Instead, some reports contain opinions such as highly probable, probable, or no conclusion, all of which are inconclusive results.
- Due to the complexity of handwriting and the many factors which can affect it, definite conclusions in handwriting examinations are not always possible. The results of handwriting comparisons may be reported in several ways, reflecting varying degrees of certainty.
- This is the highest degree of confidence expressed by document examiners in handwriting comparisons. The writer of the known material also wrote the questioned material.
- The evidence is very persuasive, but falls just short of a definite conclusion. Writing characteristics indicate it is *highly probable* that the writer of the known material also wrote the questioned material.

- Writing characteristics indicate it is *probable* that the writer of the known material also wrote the questioned material.
- *No conclusion* could be reached as to whether or not the writer of the known material wrote the questioned material.
- *Elimination* is done if the writer of the known material did not write the questioned material.

7. CONCLUSION

Handwriting examination is a rising field for character acknowledgment. The different character examination systems of this field can be executed for getting right character attribute data. Despite the fact that graphology is a built up science, because of human blunder and vagueness in the handwriting examination, exactness of handwriting examination is seen as around 90% right expectation. Automated character distinguishing proof through handwriting examination will demonstrate to be a decent and accommodating system for character characteristics recognizable proof. Valid technologies are not adopted in the analysis of questioned documents. In this modern world where the forgery rate is increasing in a very fast pace, experts should use modern reliable technologies to solve the cases.

8. REFERENCES

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