

# Indian evidence act, 1872

## Unit 3

### Statement made under special circumstances

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## Section 34

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- **Entries in books of account including those maintained in an electronic form, when relevant.**
- Entries in books of accounts including those maintained in an electronic form, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

# Illustration

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- *A sues B for Rs. 1,000, and shows entries in his account-books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient, without other evidence, to prove the debt.*

# Admissibility

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- Entries in account books regularly kept in the course of business are admissible though they by themselves cannot create any liability.  
*Related Case- Ishwar Das v. Sohan Law, 2000*
- Unbound sheets of paper are not books of account and cannot be relied upon.  
*Related Case- Dharam Chand Joshi v. Satya Narayan Bazaz, 1993*
- Books of account being only corroborative evidence must be supported by other evidence.  
*Related Case- Dharam Chand Joshi v. Satya Narayan Bazaz, 1993*

## Section 35

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- **Relevancy of entry in public [record or an electronic record] made in performance of duty.**
- An entry in any public or other official book, register or record or an electronic record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record or an electronic record is kept, is itself a relevant fact.

# Documents made ante litem motam-

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- Documents made ante litem motam can be relied upon safely, when such documents are admissible under section 35.  
*Related case- Murugam versus State of Tamil Nadu, 2011*

# Relevancy of Baptism certificate-

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- It has been held regarding proof about legitimacy of child that the British certificate proceeding on the basis of baptism certificate, containing fact that baptism record was read and checked before the godparents and signed by person along with godparents, such certificate is valid. Thus British certificate proceeding on basis of baptism certificate legally recognised legitimacy.

*Related case- Luis Caetano Viegan v. Esterline Mariana R.M.A.*

*Da'Costa, 2003*

# Section 36

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- **Relevancy of statements in maps, charts and plans.**
- Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of the Central Government or any State Government, as to matters usually represented or stated in such maps, charts, or plans are themselves facts.



## Section 37

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- **Relevancy of statement as to fact of public nature, contained in certain Acts or notifications.**
- When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament of the United Kingdom, or in any Central Act, Provincial Act, or a State Act, or in a Government notification or notification by the Crown Representative appearing in the Official Gazette or in any printed paper purporting to be the London Gazette or the Government Gazette of any Dominion, colony or possession of His Majesty is a relevant fact.

## Section 38

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- **Relevancy of statements as to any law contained in law books.**
- When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

**Thank  
You**

