

Best practices for admitting and challenging handwriting expert testimony in Indian courts ensure both reliability of evidence and fairness in trials. Below are detailed strategies:

Admitting Handwriting Expert Testimony

Qualification and Credibility of the Expert:

Verify formal qualifications, training, and experience in forensic document examination.

Courts prefer recognized forensic experts from reputed government laboratories or accredited private institutions.

Examination of Original Documents:

Originals or high-quality copies of questioned and admitted writings must be produced for expert examination.

Absence of originals can undermine the reliability of expert opinion and weigh against admissibility.

Clear Chain of Custody:

Experts should demonstrate proper handling and preservation of documents to rule out tampering or contamination.

Detailed and Reasoned Expert Reports:

Reports should explain methodology, factors compared (stroke, pressure, slant, spacing), and basis for conclusions.

Avoid vague or conclusory opinions without scientific reasoning.

Demonstration of Known Sample Authenticity:

Known handwriting samples used for comparison must be authenticated to establish a genuine writing baseline.

Direct Examination with Specific Examples:

Experts should illustrate differences or similarities with specific points from the samples during testimony.

Challenging Handwriting Expert Testimony

Questioning Expert Credentials and Methodology:

Scrutinize training or experience gaps.

Challenge adherence to accepted scientific and forensic standards.

Highlighting Lack of Originals or Poor Quality Samples:

Argue that absence or poor condition of originals compromises the analysis.

Pointing out Variability and Subjectivity:

Emphasize the natural variability of handwriting and possibility of disguise or forgery affecting expert conclusions.

Stress that expert opinion is not infallible or conclusive without corroboration.

Identifying Conflicting Expert Opinions:

Present alternate handwriting experts with contrary conclusions to create reasonable doubt.

Attacking Chain of Custody or Document Integrity:

Show gaps or potential tampering in document handling, undermining evidence authenticity.

Demanding Corroborative Evidence:

Assert that handwriting evidence should be supplemented by other material facts, witnesses, or documentary proof.

Judicial Guidance

Courts treat handwriting expert testimony as opinion evidence under Section 45 of the Indian Evidence Act, not conclusive proof.

Corroboration is recommended but not mandatory—evaluation is case-specific.

The Supreme Court in recent rulings mandates presence of original documents for reliable expert evidence and cautions against uncritical acceptance of opinions.

Visual or obvious dissimilarities visible to the court can sometimes obviate the need for expert testimony under Section 73.

In summary, the best practice for admitting handwriting expert testimony stresses qualified experts, original documents, and detailed reports, while effective challenge tactics focus on expertise, document authenticity, variability, and corroboration requirements. Courts exercise caution, balancing scientific insights with evidentiary rigour to ensure just outcomes