

Carbon Copy of a document is primary evidence u/s 62 of the Evidence Act

Section 62 of the Indian Evidence Act, defines primary evidence as follows, *“Primary evidence means the document itself produced for the inspection of the Court.*

On 11.9.2019, the Bench comprising of Hon’ble Justice Deepak Gupta and Hon’ble Justice Aniruddha Bose of the Hon’ble Supreme Court of India, in the matter of Mohinder Singh versus Jaswant Kaur and Ors, has over turned the judgment of the Hon’ble Punjab And Haryana High Court at Chandigarh, which failed to accept carbon copies of a document as primary evidence. The Apex Court held that the carbon copies of the documents fall within the ambit of primary evidence, within Section 62 of the Evidence Act as the carbon copy was prepared in the same process as the original document, moreover since both the parties had signed the document it further authenticates the document. Hence in the present matter, one can observe the application of the second explanation to Section 62 which states that, *“where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography each is primary evidence of the contents of the rest.”*