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APPRECIATION OF DIGITAL EVIDENCE IN THE COURT

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APPRECIATION OF EVIDENCE

“The process by which a judge determines the veracity of a fact is termed appraisal of evidence. The court is obligated to meticulously evaluate and analyze evidence.”¹

The evaluation of evidence is both an art and a science. The evaluation of evidence is a 'Art' as it is a skill acquired through continual practice and personal experiences, rendering it 'genuine'. Conversely, it constitutes a science, necessitating the implementation of a 'Governance' framework established by a methodical methodology by the legislature or the Supreme Court of India.²

The term "Appreciation of Evidence" highlights two essential concepts that require cultivation for a comprehensive understanding: "Appreciation" and "Evidence."

In contrast to popular English usage, where "appreciation" signifies praise, the term has a distinct legal definition.

As per the definition provided by Merriam-Webster:³

‘Appreciation’ refers to the act of evaluating with enhanced perception or comprehension; to possess complete awareness of something.’

¹ Kajal Sen v. State of Assam, AIR 2002 SC 617.

² Evaluation of evidence in legal proceedings, accessible at: <https://districts.ecourts.gov.in/sites/default/files/workshop%20notes.pdf> (accessed on: 25/03/2025)

³ Appreciate, accessible at: <https://www.merriam-webster.com/dictionary/appreciate> (accessed on: 25/03/2025)

The Oxford Lexico Dictionary defines 'Appreciation':⁴

“A comprehensive understanding of a situation”

It signifies recognizing the significance or worth of something or someone, or expressing admiration and appreciation for them. Consequently, the term "Appreciation" possesses a distinct meaning within the legal environment.

The term "evidence" originates from the Latin word 'evidera,' signifying to discover, determine, or demonstrate explicitly. Evidence serves as a mechanism to affirm or disprove a fact. Stephen believes that it occasionally pertains to the verbal expressions and items presented in court by witnesses. At other situations, it signifies the facts established by those words or objects, considered as significant inferences regarding other unproven realities. It is occasionally employed to indicate that a specific fact pertains to the case being examined. Taylor defines evidence as “All means which prove or disprove any matter, fact, the truth of which is presented for judicial inquiry.”⁵

Bentham characterizes 'evidence' as *"any matter of fact whose effect, tendency, or design is to engender in the mind a belief regarding the existence of another matter of fact, whether affirmative or negative." Among the two interconnected facts, the latter can be identified as the primary fact, while the former serves as the evidential fact.*⁶

Dr. Johnson's Dictionary defines evidence as "the state of being evident, that is, plainly apparent or notorious."⁷

Evidence is crucial in establishing the facts and circumstances of a case.⁸ There is invariably a contested fact in every case presented to the Court for adjudication. Typically, the plaintiff or

⁴ Appreciation, accessible at: <https://www.lexico.com/definition/appreciation> (accessed on: 25/03/2025)

⁵ Batuk Lal, 228. The Law of Evidence. Central Law Agency, Allahabad, 2018.

⁶ Refer to Note 33.

⁷ Supra Note 227.

⁸ Distinction Between Direct Evidence and Circumstantial Evidence, accessible at: <https://keydifferences.com/difference-between-direct-evidence-and-circumstantial-evidence> Direct Evidence denotes evidence that directly substantiates a conclusion without intermediary inference. (accessed on: 24/03/2025)

prosecution asserts possession of favorable facts, while the defense refutes all assertions.

In a case presented to the Court, the facts may be substantiated or refuted. The court must determine the veracity based on the evidence provided by the parties involved. In a criminal proceeding, the culpability or exoneration of the accused is assessed by considering these facts, referred to as evidence. During the trial of a criminal case, the evaluation of evidence is paramount to the judicial process. The assessment of evidence is the essence of an unbiased judgment.

Civil or criminal litigation occurs when two or more parties dispute the facts alleged by one another, the applicable law concerning the actual circumstances of the case, or the remedies or consequences stemming from the conflict. Consequently, the primary responsibility of the courts is to determine the facts over which the parties disagree. It is essential to identify which facts are provable or inadmissible, as well as the types of evidence that may or may not substantiate specific facts. Additionally, it must be established which party bears the burden of proof for a given fact.

The Court may allow a party to demonstrate just those facts that are either under discussion or pertinent; in other words, facts that are undisputed or irrelevant cannot be established or permitted as evidence in court.⁹

IMPORTANT ASPECTS OF THE SUBJECT RELATING TO APPRECIATION OF DIFFERENT TYPES OF EVIDENCE

Initial Information Report

The First Information Report is neither substantive evidence nor an encyclopaedia; it serves solely to expedite legal proceedings. It need not be detailed but must include the requisite charges to establish a cognizable offense. Per Section 154 of the Criminal Procedure Code, it may only be utilized to corroborate or contradict its author, not other witnesses.¹⁰

Prolonged and unjustified delay in submitting the First Information Report to the Magistrate - discrepancies between the testimonies of the prosecution's witnesses and the content of the

⁹ See Note 33.

¹⁰ Baldev Sing v. State of Punjab – (1990) 4 SCC 692; State of Gujarat v. Anirudhsing – (1997) 6 SCC 514

First Information Report regarding the incident - lack of any mention in the First Information Report concerning the injuries sustained by certain Accused, coupled with the absence of physical witness examination - conviction cannot be sustained.¹¹

The entry of a report regarding a cognizable offense or telephonic information at a station dairy (General Dairy) cannot be classified as a FIR, as such information does not possess the characteristics of a FIR.¹²

Inquest Documentation

The Inquest report aims solely to determine if an individual died under suspicious circumstances or from unnatural causes, and if so, to identify the apparent cause of death. It is not required to include the specifics of the deceased's attack.¹³

In State Re.p by Inspector of Police, Tamil Nadu V. Rajendran & Ors., published in 2008 (8) Supreme 188, the Hon'ble Supreme Court of India declared that "*the inquest report need not include the names of all witnesses.*"

THE EVIDENTIARY SIGNIFICANCE OF STATEMENTS RECORDED UNDER SECTIONS 161 AND 164 OF THE CRIMINAL PROCEDURE CODE

The statement documented by the police officers or investigating officer pursuant to section 161 of the CrPC shall solely be utilized to contradict the witness as delineated in the proviso to section 162(1).¹⁴ Furthermore, the First Information Report does not constitute substantive evidence. The Hon'ble Supreme Court of India has remarked that "A statement under section 161 of the CrPC is not substantive evidence."¹⁵

"The statement documented pursuant to section 164 of the CrPC may be utilized for corroboration or contradiction. The Honorable Supreme Court has noted in Sunil Kumar and others vs. State of M.P. as reported in AIR 1997 SC 940, The prosecution's evidence indicates

¹¹ Ishwar Singh v. State of U.P - AIR 1976 SC 2423.

¹² Animireddy Venkata Ramana v. Public Prosecutor, High Court of Andhra Pradesh - (2008) 5 SCC 368.

¹³ State of Uttar Pradesh vs. Abdul (AIR 1997 SC 2512).

¹⁴ See Note 233

¹⁵ Rajendra Singh v. State of U.P – (2007) 7 SCC 378

that immediately after PW 1 was admitted to the hospital, his statement was documented as a dying declaration; nevertheless, following his survival, it should be regarded solely as a statement recorded under Section 164 of the Criminal Procedure Code. P. C. can serve for corroboration or contradiction.”¹⁶

ADMISSION

A confession is typically regarded negatively; however, a 'confession' under section 24 of the Indian Evidence Act may be considered pertinent against the individual making it, unless the Court determines that it is irrelevant due to factors such as coercion, inducements, or promises.¹⁷ Confessions can be classified as judicial or extrajudicial. A confession recorded by a magistrate is deemed judicial, but one delivered to another individual is classified as an extrajudicial confession.

DECLARATION OF DEATHBED STATEMENTS

A dying declaration is admissible as evidence despite being classified as hearsay. This evidence presented at the hearing is permissible as an exception to the usual evidentiary rule that trial evidence is not considered valid in legal terms and should typically be disregarded, as proof must be direct in all instances.

The Supreme Court has noted in *P. Mani vs. State of Tamil Nadu*. It was noted in (2006) 3 SCC 161 that, "A Dying Declaration must be entirely reliable. In instances of uncertainty, the Court should pursue corroboration. If the evidence indicates that the deceased's statement is not completely accurate, it may be regarded merely as a piece of evidence, but a conviction cannot solely rely on it."¹⁸

CASE LOG

The evidentiary significance of a case diary: A criminal court may receive police diaries pertaining to an ongoing trial, utilizing them not as evidence but to assist in the investigation

¹⁶ Sunil Kumar et al. v. State of Madhya Pradesh AIR 1997 Supreme Court 940

¹⁷ Sahib Singh v. State of Haryana (AIR 1997 SC 3247)

¹⁸ P. Mani v. State of Tamil Nadu cited in (2006) 3 SCC 161

or trial process.¹⁹ Case diaries cannot serve as corroborative evidence for the statements of prosecution witnesses.²⁰

COMMON OBJECT (SECTION 149 OF THE IPC)

An individual may be prosecuted if found to be a member of an unlawful assembly, regardless of actual participation in the offense. The Hon'ble Supreme Court elucidated the common objective of section 149 of the IPC in Bhagwan Singh Vs. State of M.P. AIR 2002 SC 1836 is equivalent to AIR 2002 SC 1621. Nonetheless, the supreme court encountered challenges in evaluating the evidence within such a convoluted context.²¹ However, courts tasked with administering criminal justice must exert their utmost efforts in addressing such cases and are obligated to meticulously scrutinize the evidence to ascertain its veracity.²²

COMMON INTENTION (SECTION 34 OF THE INDIAN PENAL CODE)

To demonstrate common intention, it is essential to establish that the conspiracy or agreement among all accused individuals to perpetrate the offense was premeditated or occurred prior to the execution of the act.

In Kirpal and others vs. State of Uttar Pradesh²⁴⁷ – AIR 1954 SC 706, the Honorable Supreme Court articulated that "the common intention to achieve a specific outcome may arise spontaneously at the scene."²³

COLLUSION

The plot must be executed with utmost confidentiality. Direct evidence of conspiracy is both improbable and infrequent. The specifics of the conspiracy are not universally understood among all members of the conspiring group. It is typically infeasible to provide evidence of the

¹⁹ "Appreciation of Evidence," accessible at: <http://tnsja.tn.gov.in/article/App%20of%20Evi> Document titled %20by%20KNBJ.pdf

²⁰ Bachan Singh v. State of Bihar (2008) 12 SCC 23-A.

²¹ Masalti v. State of U.P., (1964) 8 SCR 133

²² Kirpal et al. v. State of Uttar Pradesh – AIR 1954 SC 706

²³ Budhsen v. State of Uttar Pradesh AIR 1970 SC 1321.

precise date of the criminal conspiracy's creation. The crime of conspiracy might be established through direct or circumstantial evidence.²⁴

TEST IDENTIFICATION (TI) PARADE

The evidentiary value of a Test Identification Parade: In the case of *State of Maharashtra v Sukhdev Singh-AIR 1992 SC 2100*, the Supreme Court determined that a witness's identification is insufficiently reliable to depend on evidence derived from a brief sighting of the accused. Dependence on identity in a court for the initial occasion is quite perilous.

“An individual tasked with identifying an accused must not have had any opportunity to observe him after the commission of the crime and prior to the identification.”

PROFESSIONAL ASSESSMENT

Evidence should only pertain to facts that a witness personally knows. However, in certain instances, the court cannot render a highly technical, complex, and professionally nuanced opinion without the assistance of individuals possessing specialized knowledge and expertise in those areas. In addressing this exceptional circumstance, the Court solicits the perspective of a third party, typically referred to as an expert opinion. Section 45 of the Indian Evidence Act addresses the pertinence of expert testimony.

An expert is a somebody possessing specialized knowledge and skills in a particular field relevant to the inquiry. His opinion is articulated as that of an expert. The expert must articulate his judgment, the facts he has observed, and the foundation of his conclusion. Expert evidence constitutes direct testimony regarding the things they have witnessed.

To demonstrate a connection among the crime, victim, and perpetrators, the investigating officer needs get expert opinions on the evidence gathered throughout the inquiry.²⁵ The admissibility of an expert's opinion typically depends on two circumstances:

²⁴ Muhammad. Khalid v. State of West Bengal 2002 7 SCC 334

²⁵ 250 Expert Opinion and its admissibility and relevance - Law of Evidence, accessible at: <http://www.legalservicesindia.com/article/1583/Experts-Opinion-and-its-admissibility-and-relevancy---Law-of->

1. The conflict cannot be settled without expert testimony and
2. The witness articulating the opinion is, in reality, an expert.

ASSESSMENT OF ELECTRONIC EVIDENCE EXAMINER

The Court's view on electronic evidence kept or transmitted by digital means is contingent upon the examiner's assessment as outlined in section 79A of the IT Act, 2000. A digital forensic examiner is regarded as an expert in the analysis of electronic records.

Section 79A of the ITA Act-2008 authorizes the central government to designate any department, individual, or agency of the central or state government to serve as an examiner of electronic evidence, tasked with providing expert opinions on electronic evidence before any court or competent authority.

An expert is an individual possessing specialized knowledge, talent, or experience in areas such as foreign law, science, art, handwriting, or fingerprint analysis, acquired via practice, observation, or rigorous study.

Section 45 of the Indian Evidence Act restricts the scope of knowledge to five specific domains, however the court may solicit expert opinions in additional areas.

Evidentiary Significance of Expert Testimony:²⁶

1. Expert opinion as evidence encompasses two facets
2. Data evidence, if inconsistent with oral testimony, cannot be refuted.
3. Opinion evidence is merely an inference derived from data and shall not supersede eyewitness testimony unless the disparity between the two is substantial enough to discredit the oral evidence. [Arshad v. State AP 1996 CRLJ 2893 (Para) 34] (AP)]

Evidence.html (accessed on: 22/03/2025)

²⁶ Expert Opinion and its Admissibility and Relevance - Law of Evidence, accessible at: <http://www.legalservicesindia.com/article/1583/Experts-Opinion-and-its-admissibility-and-relevancy---Law-of-Evidence.html> (accessed on: 22/03/2025)

Expert testimony constitutes opinion evidence and cannot substitute for factual evidence. Expert evidence must be corroborated by either direct evidence or circumstantial evidence as a procedural norm.

The Honorable Supreme Court has noted in [S. Gopal Reddy v. State of A.P.] AIR 1996 SC2184 (Para 27) states: *“It is unwise to depend on this category of evidence without obtaining independent and trustworthy corroboration.”*²⁷

The evaluation of evidence is a primary criterion for assessing the reliability and credibility of the prosecution's oral and documentary accounts in criminal proceedings. The process involves prioritizing the FIR, speeding legal proceedings in a criminal case, and filing the final report upon completing the investigation, culminating in the submission and presentation of both oral and documentary evidence before the court. Therefore, the court must evaluate the acceptance and credibility of evidence based on factual and legal grounds to reach a fair resolution of the case. Consequently, the evaluation of evidence is fundamental to the criminal justice system.

The application of evidence is not a novel concept in the administration of criminal justice in India. It has been practiced in India for ages, as documented in the Dharma Shastras, epics, Smritis, and other texts. In the initial stages, during court procedures, every conceivable effort was made to ascertain the truth in accordance with the circumstances or knowledge of the era.

Nevertheless, the law of evidence has evolved over time. The law of evidence in India is categorically split into three epochs: the Hindu period, the Muslim period, and the Modern period.

During the Hindu period, the Hindu law of evidence evolved significantly and integrated contemporary conceptions of proof. The Hindu dharmashastra has thoroughly delineated the law of proof. There exist four categories of evidence: 1. Lekhya, two. Sakshi, age 3. Bhukti or Bhog, and four. Divya.

Lekhya (document) was composed by the king's clerk in court or by private individuals or entities themselves. These documents encompass a comprehensive taxonomy of both public

²⁷ Same source.

and private records in ancient and modern India, together with guidelines for the comparative assessment of legal documents and their verification methods. In Hindu theology, documentary evidence is deemed siddha when it is composed in accordance with established rules, unequivocal, and significant. The regulations governing oral testimony varied considerably between civil and criminal proceedings. The witness's competence was regulated by legal statutes. The credibility of the witness was a significant influence in the judgment. Agriculture constituted the primary economy, so numerous issues pertain to Bhukti or occupancy. The legal principles concerning possession were firmly established. Divine tests or ordeals were prevalent forms of evidence in ancient times. When evidence fails to inform a choice, such tests are employed.

The principles of proof were also thoroughly established throughout the Islamic era. Evidence consisted of two categories: oral and documentary. Oral testimony seems to have been favored above documentary proof. Oral evidence was categorized as direct evidence and hearsay evidence. The witnesses' behavior was also considered. During the Muslim era, circumstantial evidence was accepted without limitations.

The contemporary era of the Law of Evidence commenced with English common law. The English common law and statutory law existing prior to 1726 were implemented in India by the Charter of 1726 in the presidencies of Calcutta, Madras, and Bombay. The courts formed in these Presidency cities are regulated by English law. The rules of evidence were determined by traditions and practices due to the absence of a codified law of evidence.

In 1835, the Governor General enacted the inaugural Evidence Act. Numerous statutes were enacted between 1835 and 1855 to facilitate reform. Subsequently, Acts 10 of 1855, 8 of 1859, 25 of 1861, and 15 of 1869 were enacted; however, the courts adhered to English law of evidence. Consequently, the situation was unsatisfactory, a point also noted by the judge in his rulings.

In 1868, Sir Henry Maine proposed a draft to codify the Law of Evidence, but it was rejected as it did not align with the contemporary circumstances.

In 1871, the Stephen Commission submitted a draft of the Law of Evidence to its council, local

government, high courts, and legal practitioners. Following deliberation and modification, the council promulgated it as the Indian Evidence Act, 1872 (Act No. 1 of 1872). Numerous changes have also been implemented. The most recent revision was enacted by the Criminal Law (revision) Act, 2013 (Act No. 13 of 2013).

Phipson defines evidence as testimony, whether oral, documentary, or tangible, that can be acquired to establish or refute specific legally contested facts.

THE BEST EVIDENCE RULE

The best evidence refers to the most superior form of evidence, which the law considers to offer the highest degree of certainty regarding the fact in question. Oral testimony must be provided by a someone who has directly seen, heard, or experienced the fact in question. Conversely, when the substance of a document requires verification, the most reliable evidence is the document itself, which is submitted for the court's examination. A call detail record (CDR) exemplifies such documentary evidence. Efforts must consistently be undertaken to gather the most compelling evidence to substantiate a case.

TYPES OF EVIDENCE

Section 3 of the Indian Evidence Act defines evidence as encompassing-

1. All declarations on factual things under examination that the court allows or mandates from witnesses are termed oral evidence.
2. All documents, including electronic records, submitted for the Court's scrutiny are referred to as documentary evidence.

The term "evidence" in the Indian Evidence Act denotes solely a tool via which pertinent facts are presented to the Court. To substantiate a fact, the proof must be oral, documentary, or electronic. Witnesses and papers are the primary instruments employed for this objective. Evidence can be categorized into three types: Oral, Documentary, and Electronic.

TESTIMONIAL EVIDENCE

An assertion presented to the court by a witness concerning the factual issue under examination is termed oral evidence. The spoken testimony must be unequivocal. For facts that can be observed through sight, sound, or other senses such as smell, touch, or taste, the evidence must be provided by those who have directly perceived or otherwise acknowledged them. Oral evidence refers to the testimony presented before the court.

DOCUMENTARY PROOF

When a side submits a document to support their position in a case, it is classified as documentary evidence. Any document submitted to a court for examination is deemed evidence. The writing submitted to the court for comparison is not admissible as evidence since it has not been made available for view. Documents are categorized into two types: public and private. Public records are delineated in Section 74 of the Indian Evidence Act. All individuals possess the right to examine any public document under to common law. Public materials do not require verification through witness testimony. Court judgments, orders, and decrees are public papers; also, FIRs, statements made under Section 164 of the CrPC, warrants, remand reports, medical reports, voter lists, records of rights, confessions, and attorney general documents are all public records. Certified copies of public documents do not necessitate verification through witness testimony. Arguments and affidavits submitted before the court are not classified as public records. The remaining documents are confidential. Document contents must be substantiated either by the presentation of the document itself, referred to as primary evidence, or through reproductions or verbal statements of the contents, known as secondary evidence. Primary evidence is the initial evidence required by the law. Secondary evidence is admissible in the absence of superior evidence, provided a plausible justification for the absence of the primary record is presented.

DIGITAL EVIDENCE

Any electronic record maintained or sent in digital form pertaining to a crime is termed electronic or digital evidence. All electronic records submitted to the Court for examination pursuant to the Information Technology Act of 2000 are encompassed within the document and, thus, constitute documentary evidence.

ELECTRONIC RECORD AS A DOCUMENT

An examination of the definitions in Sections 2(t) and 2(0) of the Information Technology Act, 2000 indicates that an electronic record constitutes a document and is not confined to mere data. It denotes information or data produced, acquired, or transmitted in electronic format. "Data" encompasses both the active memory of the computer or hard disk and the latent memory. A blank hard disk that has been written upon is subject to modification and transforms into an electronic record. An erased hard disk is devoid of visible data but still contains recoverable information; thus, it constitutes an electronic record.²⁸

"A man may deceive, but a document cannot." is a traditional adage. In the preliminary phases of the investigation, meticulous attention must be devoted to the seizure and gathering of all pertinent documents. To prevent criminals from tampering with or destroying these irrefutable pieces of important evidence, particularly electronic evidence that can be remotely altered or eliminated. This evidence frequently constitutes a substantial element that bolsters a prosecution's case through validation. Numerous cases falter owing to negligence or the failure to implement specific procedures by investigating officers during the confiscation of exhibits at the crime scene. The failure to present the evidence invariably results in detrimental effects on the prosecution and leads to unfavorable presumptions.²⁹

EVIDENCE CLASSIFICATION

Evidence can be categorized into distinct classifications

1. Direct and circumstantial evidence.
2. Authentic and individual proof.
3. Authentic and inauthentic proof.
4. Substantive and non-substantive.
5. Affirmative and negative.
6. Evidence presented by the prosecution and evidence presented by the defense.

²⁸ Refer to Note 32 above.

²⁹ See Note 56 at page 493.

1. Direct and circumstantial evidence:

Direct evidence denotes evidence that substantiates a fact without necessitating jury conclusions. Circumstantial evidence denotes evidence from which the jury must infer a conclusion based on the accumulation of facts.

2. Authentic and individual evidence

Actual evidence refers to that which is submitted to the Tribunal's spirit, where the object is exhibited for examination before the Court. The court may conduct a local inspection to ascertain the facts independently. Consequently, there exists no category of evidence that is as compelling and agreeable to the Court, directly reflecting its essence. Personal evidence is that which is produced by human agency.

3. Authentic and inauthentic evidence

Original evidence refers to the presentation of an item in its unaltered state. Unoriginal evidence draws its validity from other sources.

4. Substantive Evidence and Non-Substantive Evidence

Substantive evidence is that which can be depended upon for case resolution.

Non-substantive evidence either supports substantive evidence to enhance its credibility or contradicts substantive evidence to undermine it.

5. Affirmative evidence and dissenting evidence

Positive evidence typically substantiates the presence of a fact, whereas negative evidence fails to establish its existence.

6. Evidence presented by the prosecution and evidence presented by the defense

A prosecution witness is an individual who observes the events pertinent to the prosecution's case. Witnesses are regarded as the most crucial component of the criminal justice system. It is the cornerstone upon which the edifice of justice and equality is constructed. Consequently, witnesses are essential. They bolster the prosecution's case by testimony as a witness to the crime, as an expert witness, or as an investigator, among other roles. The defense witness bolsters the defense to undermine the credibility of the prosecution's narrative.

SUMMARY

Currently, nearly every conviction or exoneration is determined by the evaluation of digital evidence. Whether the offense is of a conventional character, such as murder, rape, and robbery, or digital, including hacking, phishing, and identity theft, etc. Investigators now endeavor to gather both traditional and digital evidence in every crime, as digital evidence is grounded in a scientific methodology and is generally more readily accepted in court than traditional evidence. The investigator must consistently strive to gather the most compelling evidence available.

The best evidence refers to the most superior form of evidence, which the law considers to offer the highest degree of certainty regarding the fact in question.

The evaluation of evidence is both an art and a science. The guilt or innocence of the accused is ascertained by considering certain factors. Such information is referred to as evidence. Evidence serves as a mechanism to affirm or disprove a fact. Evidence plays a crucial role in ascertaining the facts and circumstances of the case. Evidence can be categorized into three types: Oral, Documentary, and Electronic.

The researcher has identified numerous facets of the subject pertaining to the evaluation of electronic evidence, including the First Information Report, Inquest report, Confession, Dying Declaration, evidentiary significance of the case diary, Common Object, Common Intention, Conspiracy, Test Identification (TI) Parade, Expert Opinion, and the Opinion of the Examiner of Electronic Evidence, among others.

"A man may deceive, but a document cannot." This is a traditional adage. Electronic evidence

constitutes a sophisticated kind of documentary evidence that is highly valued by the court. This indicates that digital evidence is highly valuable. Maintaining the integrity of digital evidence during gathering and preservation prior to court proceedings is a significant difficulty due to its susceptibility to manipulation.

While digital evidence is accessible and reliable, making it acceptable and commendable in court, challenges persist in its appreciation, including issues related to proper documentation, management, and interpretation. Meticulous attention is essential while documenting, gathering, maintaining, and evaluating digital evidence.