

Concept of Exhibits

What is an exhibit:

An exhibit can be a document, object, or other items presented as evidence in court during criminal prosecution or a civil trial. Exhibits can take many forms, including photographs, charts, videos, and physical objects.

Tendering of Evidence

At the stage of evidence, the process of producing documents by a party before the court is referred to as 'tendering'. Although most of the documents are already on the judicial file but at the stage of evidence they are formally produced and given an identity by providing a nomenclature by using alphabets and letters like Exhibit DW - 1/A, DW - 1/B etc. Thereafter, these documents become evidence, subject to them being proved under the Indian Evidence Act, 1872 and other laws.

Difference between Exhibits and Marks

Documents that are not original, such as photocopies of documents, are given the identity of a mark whereas the original documents are given the identity of an Exhibit.

Importance of giving the identity of an Exhibit/Mark

The identity given to a document helps the court and party to refer easily to those documents. Instead of saying "Statement under Section 164 CrPC of Victim A" each time, the document can be referred to as Ex. PW1/A. The lawyers can address final arguments with ease and the judge can refer to those documents in a judgment with less confusion. It also helps the appellate courts in locating and referring to the documents.

Exhibited Document considered as Proved

Endorsement of an exhibit number does not mean that the document has been proved. The document is still to be proved as per the IEA and its evidentiary value will be appreciated by the court. In **Sudir Engineering Company v. Nitco Roadways Ltd., 1995 SCC OnLine Del 251**, the court stated that the mere marking of an exhibit on a document does not dispense with the formal proof thereof. This was also reiterated by the apex court in **Narbada Devi Gupta v. Birendra Kumar Jaiswal, (2003) 8 SCC 745**. Hence, when the court gives a document an exhibit number, the lawyer should not assume that his job is done.

Conclusion

Documents that are formally produced at the stage of evidence are given an identity and referred to as exhibits or marks. Both have to be proved as per the Indian Evidence Act. Their evidentiary value is to be analyzed by the courts at the time of final judgment.