

TEXT BOOK ON THE LAW OF EVIDENCE. By M. Monir. Seventh Edition by Manjula Batra. New Delhi : Universal Law Publishing Co., 2006. Pp. lxxxiv + 433, Rs. 250/-, ISBN : 81-7534-545-4.

Evidence means all statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under enquiry; such statements are called oral evidence; all documents, produced for the inspection of the court, are called documentary evidence. Any species of proof, or probative matter, legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, etc. for the purpose of inducing belief in the minds of the court or jury as to their contention is evidence.

As a part of procedure “evidence” signifies those rules of law whereby it is determined what testimony should be admitted and what should be rejected in each case, and what is the weight to be given to the testimony admitted. ‘Evidence’ means and includes the statements recorded by the police and deposition of the witnesses.

The object of adducing evidence is to prove a fact. When the law says that a particular kind of evidence would be conclusive as to the existence of a particular fact it implies that, that fact can be proved either by that evidence or by some other evidence which the court permits or requires to be advanced. Where such other evidence is adduced it would be open to the court to consider whether, upon that evidence, the fact exists or not. Where, on the other hand, evidence which is made conclusive is adduced, the court has no option but to hold that the fact exists.

Expert evidence, means evidence given to a court by a person skilled and experienced in some professional or technical sphere of the conclusions he has reached on the basis of his knowledge, from facts reported to him or discovered by him by tests, measurement or similar means. This kind of evidence is commonly given by doctors, psychiatrists, chemists, architects, finger-print experts, and the like.

According to Black's Law Dictionary 'expert evidence' means evidence about a scientific, technical, or professional issue given by a person qualified to testify because of familiarity with the subject or special training in the field. It is also termed as 'expert testimony'. As per Wharton's Law Lexicon, 'experts' means witnesses who give evidence upon matters of their own professional knowledge, as distinguished from particular matters of fact, e.g., professed judges of handwriting, foreign lawyers as to foreign law or doctors as to the effects of drugs or poisons. The admissibility of such evidence rests upon the maxim *cuilibet in sua arete est credendum*.

The book under review is rich in case law as it contains all important English and Indian decisions on evidence. The sixth edition of the book was published in the year 2002 as short edition for lawyers and now the seventh edition has been brought out by Manjula Batra keeping in view the need of students.

The book in the beginning contains table of cases and subject index at the end for easy reference for the readers. The book indeed is a scholarly presentation of case law on the subject. The book, being valuable source of information on the subject, is worth keeping in all the libraries. Law students would find it particularly worthwhile to keep it in their libraries as a text book.

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