

CS No. 785/09

29.01.2013

DW4 Syed Faizal Huda s/o Sh. S. A. Huda r/o H-42, Abul Fazal Enclave, Jamia Nagar, Okhla, New Delhi-110025, aged about 26 years
on SA

I am forensic expert. My qualification is B.Sc(Honours) Forensic Science from Amity University, Noida, alongwith the practical training on the subject of forensic science. I have submitted opinion in more than 250 cases in various Hon'ble Courts of Delhi and NCR. In this case, I have taken the photographs of the admitted and disputed signatures on 09.04.12. After careful examination and comparison of the disputed and admitted signatures (marked as D1 and A1) I am of the definite opinion that both the sets of signatures have been written and signed by the same person. My detailed report is Ex.DW4/A which is collectively running into 6 pages comprising enlarge photograph and CD. The report bearing my signature at point A alongwith my stamp on each page.

XXXX by Sh. Sanjeev Bhardwaj, Id. Counsel for the plaintiff

It is correct that I have examined the signature Mark A1 from the photostat specimen signature card exhibited as DW3/A. It is correct that this fact is not mentioned in Ex.DW4/A. I do not agree that the line quality cannot be examined from the photostat signatures. (Vol. All the parameters of handwriting comparison including class and individual characteristic can be

examined and compared on both photostates and original documents). I do not remember at this stage the name of any author who may support my aforesaid view with regard to examination of line quality from the photostate signatures. I may tell the name of the author if it is possible. I cannot say if any author support my aforesaid view. It is wrong to suggest that no author on the subject of handwriting comparison support my aforesaid views. I did not feel it necessary that the signatures marked A1 must be examined from the original document. (Vol. It was not required. It is wrong to suggest that it is very much required under the science of handwriting comparison.

It is correct that examination of the ink is also one of the part of forensic science. I can examine the ink in its physical appearance. I did not feel it necessary in the present case at any stage to examine the ink involved in the execution of the disputed and admitted signatures. (Vol. Ink examination is not necessary in the comparison of handwriting or signature).

Q. What do you mean by examination of ink in its physical appearance as stated above?

A. After taking the photographs we can check the appearance of ink including its smoothness, characteristics under computer softwares adobe photoshop.

It is wrong to suggest that I have not given any answer to the above question at all. It is correct that I have not examined the ink used in the execution of disputed signatures because it

was not assigned to me. I cannot examine the ink in the execution of the disputed signatures on document Ex.PW1/DA. I cannot examine at this stage because examination is possible only under computer softwares. It is wrong to suggest that physical appearance of the ink used in the execution of document Ex.PW1/DA can be examined even with the naked eye. (Vol. Correct physical examination is not possible with the help of naked eye. It is possible only under different channels under adobe photoshop softwares.).

Court observation – The writing on Ex.PW1/DA and the signatures with the date are apparently appearing in different inks.

It is correct that I have not given any opinion with regard to date written below the disputed signatures at point A of Ex.PW1/DA because my assignment was only to tally the signatures.

Q. What do you mean by 'natural variations' as mentioned in your report Ex.DW4/A?

A. When a person write his signatures again and again, there must be slight divergences with regard to angles, loops, curves, strokes, size and spacing is always present in his handwriting or signatures such divergences known as natural variations and it is a evidence of genuineness because our hand is not a rubber stamp thus there must be natural variations within the handwriting of same person.

Q. Approximately how many signatures of a person are required for deciding natural variations?

A. Minimum of two signatures are sufficient.

It is correct that I have only examined one admitted signatures. (Vol. When I say minimum of two signatures, it includes admitted as well as disputed signatures as I have done in the present case.).

It is wrong to suggest that I had not followed the basic principles of science of handwriting comparison while comparing disputed signatures only with one admitted signature.

At this stage, attention of the witness is drawn to a photograph of signature A1 which is part of the report Ex.DW4/A (colly) and a stroke is now encircled and marked as Mark A.

It is correct that the formation against Mark A on the photo of signature A1 is not present in the signature D1 or its photograph. It is correct that this fact is not mentioned in my report Ex.DW4/A.

I have observed the aforesaid difference while forming my opinion, however, it was not so stated in my report as the said difference was a minute one and can be ignored in the light of other observations made by me in my report. It is wrong to suggest that the aforesaid difference is vital and significant. (vol the aforesaid differences may be found within the handwriting of a same person in certain conditions such as hastiness, position of writer, lighting condition, health of the writer, muscular control

over the hand by the person at a particular time and age of person).

I do not know the age of the person who is responsible for the admitted and disputed signatures.

Q. When you do not know about the age of the writer so how could you observed the aforesaid conditions in the present case?

A. Even without knowing the age of the writer, the aforesaid conditions can be considered by observing the nature and quality of strokes and writing characteristics in the admitted / disputed signatures.

Q. Did you consider the aforestated considerations while concluding the said difference to be minute one?

A. My report is self explanatory regarding the consideration of the conditions as aforestated.

At this stage, attention of the witness is drawn to a photograph of signature D1 which is part of the report Ex.DW4/A (colly) and a stroke is now arrow marked as Mark Z.

It is correct that the formation against Mark Z on the photo of signature D1 is not present in the signature A1 or its photograph. It is correct that this fact is not mentioned in my report Ex.DW4/A. (Vol. As this difference was within the range of natural variations, therefore it is not mentioned in my report and ignored as not vital or significant.).

At this stage, attention of the witness is drawn to a photograph of signature D1 which is part of the report Ex.DW4/A

(colly) and a dot is now arrow marked as Mark Y.

It is correct that the formation against Mark Y on the photo of signature D1 is not present in the signature A1 or its photograph. It is correct that this fact is not mentioned in my report Ex.DW4/A. (Vol. As this difference was within the range of natural variations, therefore it is not mentioned in my report and ignored as not vital or significant.).

At this stage, attention of the witness is drawn to a photograph of signature D1 & A1 which is part of the report Ex.DW4/A (colly) and a stroke is now arrow marked as Mark X on both the photographs. It is wrong to suggest that length of this stroke is substantially different in both the signatures.

At this stage, attention of the witness is drawn to a photograph of signature A1 which is part of the report Ex.DW4/A (colly) and a stroke is now arrow marked as Mark P. It is correct that stroke at Mark P is crossing the diagonal stroke on the photo of A1 but it just touch the diagonal stroke on the photo of D1.

It is correct that this fact is not mentioned in my report Ex.DW4/A. (Vol. The variations which have been pointed by the Id. Defence counsel including the above ones are superficial in nature and fall within the range of natural variations, therefore not mentioned in my report.).

It is wrong to suggest that aforesaid differences as pointed out now are the fundamental differences and not superficial in nature. It is wrong to suggest that no definite

opinion with regard to identification of signatures / writing is possible by the examination from the photostat document. It is wrong to suggest that my report Ex.DW4/A is not self explanatory itself. It is wrong to suggest that my observations and reasons as mentioned in my report Ex.DW4/A are not correct and against the correct data and not according to the science of handwriting comparison.

It is correct that the admitted / disputed signatures were not executed in my presence.

Q. Once the signatures were not executed in your presence, then how could you determine the lighting condition prevailing at the relevant time?

A. I did not consider it in my observation and report as it was one of the conditions which might be there and considered.

It is wrong to suggest that I had not followed the basic principles of science of handwriting comparison correctly while forming my opinion. It is wrong to suggest that disputed signatures is a forged signature.

Q. What do you mean by pen pauses?

A. When the pen stops at the time of execution of signatures, that it is called a pen pause.

To me this is sufficient definition of pen pause.

Q. Do you agree that pen pause means extra deposit of ink due to stoppage of writing instrument during the course of execution of signature / writing.

A. I do agree.

It is wrong to suggest that I have given a wrong definition of pen pause.

It is correct that pen pause falls within the category of line quality.

At this stage, attention of the witness is drawn to a photograph of signature D1 which is part of the report Ex.DW4/A (colly) and 3 points have been marked as point 1. It is wrong to suggest that there are unnatural pen pauses against arrow mark 1 on a photo of D1.

Attention of the witness is also drawn to a photograph of signature D1 which is part of the report Ex.DW4/A (colly) and a point is marked as point 2. It is wrong to suggest that there is an unnatural retouching against arrow mark 2 on a photo of D1.

Q. Does it mean that there are natural pen pauses or retouching at point 1 and 2 on the photo of D1?

A. No. There is no pen pauses or retouching at all at point 1 and 2 of photo of D1.

It is wrong to suggest that disputed signatures D1 on document Ex.PW1/DA is full of line quality defects amounting to forgery.

It is wrong to suggest that I am deposing falsely or that my report is perfunctory.

RO & AC

(SATISH KUMAR ARORA)
CCJ-CUM-ARC (NE):KKD/Delhi
29.01.2013