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**CALL RECORDINGS WITHOUT CERTIFICATION: AN  
INADMISSIBLE PILLAR OF CONVICTION - ANALYSING  
THE MANDATORY CERTIFICATE REQUIREMENT UNDER  
SECTION 63 OF THE BHARATIYA SAKSHYA ADHINIYAM,  
2023 IN THE LIGHT OF POORANMAL V. STATE OF  
RAJASTHAN (2026 INSC 217)**

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**ABSTRACT**

The digital transformation of Indian criminal proceedings has placed electronic evidence — particularly call recordings and call detail records — at the forefront of prosecutorial strategy. Yet the growing reliance on telephonic evidence in criminal trials brings with it serious evidentiary challenges that courts are only beginning to confront with the rigour they demand. The Supreme Court of India, in *Pooranmal v. State of Rajasthan* (CrI.A. No. 1266/2026, decided on 10 March 2026), has once again affirmed a foundational proposition: electronic records are not admissible in evidence unless accompanied by the mandatory certificate prescribed by law. Furthermore, even where such evidence were admissible, conviction cannot rest upon uncorroborated electronic records alone.

This article examines, through the lens of *Pooranmal*, the interplay between the admissibility requirement under Section 63 of the *Bharatiya Sakshya Adhinyam, 2023* (BSA) — the successor provision to Section 65-B of the *Indian Evidence Act, 1872* — and the broader principle that call recordings, standing alone, cannot sustain a criminal conviction. The article traces the judicial evolution from *Anvar P.V.* through *Shafhi Mohammad* to *P. Gopalkrishnan (Bhima Koregaon)*, and maps how these precedents crystallise into the regime now operative under the BSA. It further identifies the structural inadequacy of substituting oral testimony by nodal officers for the statutory certificate, and advocates for a reinvigorated judicial commitment to the twin principles of certified admissibility and corroboration. The article concludes by proposing doctrinal guardrails for trial courts and investigating agencies to ensure that digital evidence does not become an instrument of wrongful conviction.

## **I. INTRODUCTION**

In an era where mobile telephony has become ubiquitous, law enforcement agencies increasingly rely on call recordings and call detail records (CDRs) to weave together the fabric of a prosecution's case. Such evidence, when authenticated and properly introduced, can be invaluable in establishing proximity, motive, and prior concert among accused persons. However, the seductive simplicity of telephonic evidence carries within it a grave risk: that courts may treat the mere production of a call recording — without independent verification of its authenticity or independent corroboration of guilt — as a self-sufficient basis for conviction.

The Supreme Court's recent decision in *Pooranmal v. State of Rajasthan* confronts this risk directly. In setting aside concurrent convictions entered by the trial court and affirmed by the Rajasthan High

Court, a three-judge bench comprising Justice Vikram Nath, Justice Sandeep Mehta, and Justice N.V. Anjaria laid down a clear judicial marker: CDRs admitted without the mandatory statutory certificate are wholly inadmissible, and their exclusion, combined with other evidentiary infirmities, collapses a case built on circumstantial evidence.

The case assumes heightened significance because it straddles the legislative transition from the Indian Evidence Act, 1872 (IEA) to the Bharatiya Sakshya Adhinyam, 2023 (BSA), which came into force on 1 July 2024. The provision at the centre of the controversy — Section 63 of the BSA — replicates the framework of Section 65-B IEA with only incremental modifications, meaning the rich jurisprudence developed under the older provision remains substantially applicable under the new regime.

This article proceeds in six parts. Part II introduces the legislative framework governing the admissibility of electronic records under the BSA. Part III analyses the constitutional and evidentiary rationale for the certification requirement. Part IV surveys the evolution of judicial interpretation from 2014 to the present. Part V dissects the *Pooranmal* judgment with granular attention to its holdings on CDR admissibility and the limits of circumstantial evidence. Part VI draws doctrinal conclusions for the future.

## **II. THE LEGISLATIVE FRAMEWORK: SECTION 63 OF THE BHARATIYA SAKSHYA ADHINIYAM, 2023**

## **2.1 The Architecture of Section 63 BSA**

Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 occupies the same structural position in the new evidence code as Section 65-B did under the Indian Evidence Act. It governs the conditions under which a computer-generated document — which in the current era encompasses call recordings, CDRs, email printouts, electronic messages, and digitally stored records — may be received as evidence before a court.

The section prescribes a two-pronged framework. First, Section 63(1) provides that any information contained in or stored on a computer is deemed to be a document and is admissible in any proceedings as evidence of the facts stated therein, without further proof or production of the original, subject to compliance with the conditions prescribed in Section 63(2). Second, and critically, Section 63(4) mandates the production of a certificate issued by a responsible official who occupies a position of authority in relation to the operation of the relevant device. This certificate must identify the electronic document, describe the manner in which it was produced, state that the conditions set out in Section 63(2) have been satisfied, and be signed by such person.

## **2.2 The Certification Requirement: Substance and Purpose**

The certificate under Section 63(4) of the BSA — like its predecessor under Section 65-B(4) of the IEA — is not a mere procedural formality. It performs a substantive evidentiary function. Electronic records are inherently susceptible to manipulation, alteration, deletion, and fabrication in ways that leave no physical trace perceptible to unaided human senses. Unlike a document bearing visible signs of forgery, a tampered digital file may be indistinguishable in its final form from an authentic one.

The certificate requirement addresses this vulnerability by demanding that a responsible officer vouch — under the threat of criminal liability for false certification — for the integrity of the computer system, the regularity with which information was fed into it, the absence of interruptions in storage, and the faithful reproduction of the original data in the output. In the context of call recordings, this means that a responsible official of the telecommunications service provider must certify that the recording was captured by equipment operating correctly, stored without alteration, and reproduced accurately.

### 2.3 Comparison: Section 65-B IEA vs. Section 63 BSA

Provision	Key Features
Section 65-B, IEA 1872	Original statutory provision governing computer output as evidence; in force until 30 June 2024. Required a certificate in the form prescribed by sub-section (4).
Section 63, BSA 2023	Successor provision operative from 1 July 2024. Retains the certificate requirement with minor structural refinements. All jurisprudence on Sec. 65-B is substantially applicable.
Scope of 'computer'	BSA retains a technology-neutral definition. Includes smartphones, servers, cloud storage, and telecom equipment used to generate CDRs and call recordings.
Who may certify?	A person occupying a responsible official position in relation to the operation of the relevant computer or device — typically a nodal officer or IT manager of the telecom/service provider.
Effect of non-compliance	Electronic record rendered inadmissible. Oral testimony cannot cure the defect, per settled Supreme Court authority.

## III. THE RATIONALE FOR MANDATORY CERTIFICATION

### 3.1 The Authentication Problem in Digital Evidence

The admissibility of any document — physical or electronic — is conditioned on proof of its authenticity. For physical documents, authenticity is typically established through the evidence of the person who prepared them, the person in whose custody they were found, or through expert examination of handwriting or ink. For electronic records, authentication presents far greater complexity because the document does not carry physical indices of its origin or integrity.

Call recordings present a particularly acute form of this challenge. A recording file can be created, edited, or spliced using widely available software. Metadata associated with the file — such as the timestamp or originating device — can be altered. Without expert verification

and institutional certification, neither a judge nor a jury can determine whether a purported call recording is genuine, partial, fabricated, or doctored.

### **3.2 The Privilege of Hearsay and the Certificate as its Substitute**

Under the traditional law of evidence, documentary hearsay — statements made out of court and offered for their truth — is generally inadmissible unless it falls within a recognised exception. The admissibility provisions for electronic records in the BSA function as a species of statutory hearsay exception: they permit courts to receive computer-generated statements as evidence of facts stated therein. The price of this exception is compliance with the conditions in Section 63 — most importantly, the certification requirement.

In this sense, the certificate is not a bureaucratic hurdle but the constitutional quid pro quo for a departure from the ordinary requirement that evidence be given in court by witnesses who may be cross-examined. It is the legislature's chosen mechanism for ensuring a minimum threshold of reliability before a court relies on machine-generated data to determine criminal guilt.

### **3.3 Fundamental Rights and the Standard of Proof**

There is also a fundamental rights dimension. The Constitution of India, through Articles 20 and 21, guarantees that no person shall be deprived of liberty except according to procedure established by law, and that no person shall be compelled to be a witness against themselves. Admitting electronic evidence without proper authentication violates the principle of fair procedure by allowing potentially fabricated or adulterated material to be used against an accused person. The mandatory certificate requirement is therefore a safeguard consistent with the constitutional requirement of fair trial.

This principle assumes even greater importance when electronic evidence is sought to be used as the primary or sole basis of conviction. Convicting a person on the strength of a call recording whose authenticity has not been independently certified exposes the justice system to the risk of punishing the innocent — a result that constitutes not merely a legal error but a constitutional wrong.

## **IV. JUDICIAL EVOLUTION: FROM ANVAR P.V. TO POORANMAL**

### **4.1 Anvar P.V. v. P.K. Basheer (2014)**

The foundational modern authority on Section 65-B IEA is the Constitution Bench decision in *Anvar P.V. v. P.K. Basheer & Others*, (2014) 10 SCC 473. A five-judge bench overruled the earlier position in *State (NCT of Delhi) v. Navjot Sandhu* and held that the only route for admitting electronic records into evidence is through strict compliance with Section 65-B. The Court expressly rejected the idea that electronic records could be admitted under the general provisions relating to secondary evidence (Sections 63 and 65 IEA) as an alternative pathway. The certificate under Section 65-B(4), the Court held, is a condition precedent to admissibility — not an optional accessory.

### **4.2 Shafhi Mohammad v. State of H.P. (2018) — A Retreat**

The clarity achieved in *Anvar P.V.* was temporarily muddied by a two-judge bench decision in *Shafhi Mohammad v. State of Himachal Pradesh*, (2018) 2 SCC 801. The bench held that a party who is not in possession of the device from which the electronic record was produced cannot be required to furnish the certificate, and that in such cases courts may admit electronic evidence on the basis of oral testimony. This relaxation, ostensibly driven by practical considerations, introduced significant doctrinal confusion.

### **4.3 Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)**

The Supreme Court's three-judge bench in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 SCC 1, restored the orthodoxy of *Anvar P.V.* and expressly overruled the relaxation introduced in *Shafhi Mohammad*. The Court reaffirmed that the certificate under Section 65-B(4) is a *sine qua non* for the admissibility of electronic records. It further clarified that the certificate may be summoned by the court on an application by any party, and that the party seeking to admit the electronic record bears the burden of ensuring the certificate is obtained. The *Khotkar* decision also ruled that the certificate requirement applies at the stage of trial, and that its absence renders the electronic record legally inadmissible.

### **4.4 Post-Khotkar Consolidation**

Following *Khotkar*, a consistent line of High Court and Supreme Court decisions has reinforced

the principle that oral evidence by nodal officers, field officers, or technical witnesses cannot substitute for the mandatory certificate. Courts have also affirmed that the obligation to produce the certificate lies on the party adducing the electronic record — in criminal proceedings, this ordinarily means the prosecution. The investigative failure to secure the certificate is not a curable defect; it is a fatal infirmity that strikes at the root of admissibility.

#### **4.5 The Transition to BSA, 2023**

The enactment of the Bharatiya Sakshya Adhiniyam, 2023, which replaced the Indian Evidence Act with effect from 1 July 2024, preserved the essential structure of the certification requirement in Section 63. The new provision did not introduce any exemption from the certificate requirement, nor did it seek to overrule Khotkar. On the contrary, the legislative continuity between Section 65-B and Section 63 means that every principle settled under the former provision applies under the latter. Cases instituted under the IEA regime but carrying into the BSA era — as Pooranmal did — must be assessed against this unchanged standard.

### **V. POORANMAL v. STATE OF RAJASTHAN (2026 INSC 217): A CASE ANALYSIS**

#### **5.1 Factual Background**

The appellant, Pooranmal, was tried before the Additional Sessions Judge, Bhilwara, Rajasthan along with a co-accused Ladu Lal for offences punishable under Sections 302/34 and 201 of the Indian Penal Code (now Sections 103(1)/3(5) and 238 of the Bharatiya Nyaya Sanhita) arising from the alleged murder of Aruna. The prosecution's case rested entirely on circumstantial evidence — there was no eyewitness, no direct testimony of the act of killing, and no confession.

The prosecution built its case on three evidentiary pillars: first, the recovery of a blood-stained shirt allegedly made at the instance of the appellant under Section 27 of the IEA; second, the FSL report confirming the presence of O blood group on the shirt matching the deceased; and third, call detail records (CDRs) purportedly establishing telephonic contact between the appellant and the co-accused in the period proximate to the offence. Both the trial court and the High Court convicted the appellant and sentenced him to life imprisonment. The co-convict Ladu Lal's special leave petition was dismissed by the Supreme Court in 2022. Pooranmal, who had been unable to appeal earlier due to poverty and lack of legal assistance, finally brought

his appeal through legal aid.

## 5.2 The Question of CDR Admissibility

The Supreme Court, speaking through Justice Sandeep Mehta for the bench, addressed the CDR evidence with precision and finality. The prosecution had relied on the call detail records to show that Pooranmal was in telephonic communication with Ladu Lal around the time of the offence, thereby suggesting prior concert. The CDRs were produced through the testimony of a nodal officer of the telecommunications service provider who appeared as a prosecution witness.

*The call detail records cannot be admitted in evidence because the mandatory certificate under Section 65-B of the Evidence Act [Section 63 of the BSA] was never furnished.*

The Court held that oral testimony of the nodal officer — without more — cannot discharge the statutory requirement of a written certificate. Reiterating the post-Anvar, post-Khotkar position, the bench made clear that the admissibility of CDRs is not a matter of judicial discretion to be exercised on a case-by-case basis; it is a condition of law. Without the certificate, the CDRs were inadmissible, and therefore the entire evidentiary thread built around the appellants' proximity to each other collapsed.

The significance of this holding cannot be overstated. Call detail records are routinely relied upon in Indian criminal proceedings — not merely to establish guilt, but often as the primary or sole link connecting the accused to the crime. By reaffirming that such records are inadmissible without proper certification, the Court has imposed an obligation on investigative agencies to secure the Section 63 certificate as a non-negotiable step in every investigation where CDRs or call recordings are intended to be adduced.

## 5.3 The Evidentiary Void Left by Inadmissible CDRs

The exclusion of the CDRs did not automatically result in acquittal, but it significantly undermined the prosecution's circumstantial chain. The Court then proceeded to examine the remaining two pillars of the case — the shirt recovery and the FSL report — and found them equally deficient.

On the shirt recovery, the Court found material discrepancies in the seizure memo: the Investigating Officer's own testimony revealed that the currency packet counted in court contained Rs. 46,145, while the seizure memo recorded a different amount. On the FSL report, the Court found an irreparable breach in the chain of custody. The malkhana register (Ex. D-3) recorded that the samples were forwarded to the FSL on 12 March 2010, a date contradicted by the testimony of both the malkhana custodian (PW.19) and the carrier constable (PW.16). The prosecution offered no explanation for why the samples were returned from the FSL before being re-sent, raising the spectre of tampering or contamination.

#### **5.4 The Doctrine of Complete Chain in Circumstantial Cases**

Having found each limb of the prosecution's case infirm, the Court applied the classical test for conviction in circumstantial evidence cases, as established in *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116. The five principles of that test demand that the circumstances relied upon must be proven beyond reasonable doubt, must be consistent only with the hypothesis of the accused's guilt, must be of a conclusive nature, must exclude every reasonable hypothesis of innocence, and must form a complete and unbroken chain pointing irresistibly to the guilt of the accused.

In Pooranmal's case, none of the three evidentiary pillars survived scrutiny. Without the CDRs (inadmissible for want of certificate), without a reliable FSL report (chain of custody broken), and without a trustworthy recovery (discrepancy in the seizure memo), the chain of circumstances was irreparably fractured. The Court set aside the conviction and directed the release of Pooranmal, observing that the prosecution had miserably failed to establish a complete and coherent chain of incriminating circumstances.

#### **5.5 The Broader Proposition: Call Recording Cannot Be the Sole Basis of Conviction**

The Pooranmal judgment, read alongside the pre-existing jurisprudence on Section 65-B/Section 63, supports a broader doctrinal proposition that has significant practical implications: a call recording or CDR, even if technically admissible upon production of the mandatory certificate, cannot by itself constitute the sole basis for a criminal conviction.

This proposition flows from multiple sources. First, as a matter of evidentiary principle, circumstantial evidence — and CDRs are a species of circumstantial evidence — must form a

complete chain that excludes all reasonable hypotheses of innocence; a single piece of electronic evidence rarely accomplishes this. Second, the inherent susceptibility of electronic records to manipulation requires corroboration from other independent sources before a court can safely rely on them to deprive a person of liberty. Third, the right to fair trial, protected under Article 21, demands that the weight attributed to any single piece of evidence be proportionate to its demonstrated reliability.

These considerations are especially acute where the call recording is sought to be used to prove guilt by association — i.e., where the recording is offered not as proof of an inculpatory statement made by the accused, but merely as proof of communication between the accused and another person. Telephonic contact, standing alone, is a neutral fact; it proves nothing about the content of the conversation, the intent of the parties, or any agreement to commit a crime. Courts that give such neutral electronic evidence decisive weight without independent corroboration commit a category error that the Pooranmal decision warns against.

#### **Key Holdings in Pooranmal v. State of Rajasthan (2026 INSC 217)**

- CDRs are inadmissible as evidence without the mandatory certificate under Section 63 BSA / Section 65-B IEA.
- Oral testimony of a nodal officer cannot substitute for or cure the absence of the statutory certificate.
- A broken chain of custody is fatal to the reliability of FSL reports and forensic evidence.
- In circumstantial evidence cases, every link in the chain must independently satisfy the Sharad Birdhichand Sarada test.
- Conviction cannot be sustained where the evidentiary foundation collapses upon principled scrutiny.
- Electronic evidence, even if admissible, cannot alone sustain conviction without corroboration.

## **VI. DOCTRINAL IMPLICATIONS AND THE WAY FORWARD**

### **6.1 Obligations of Investigating Agencies**

The Pooranmal decision delivers a clear directive to law enforcement. When CDRs or call recordings are to form part of the prosecution's case, the investigating officer must, at the earliest opportunity, formally request the telecommunications service provider or device operator to furnish a certificate in compliance with Section 63(4) of the BSA. This certificate should identify the specific records, certify the operational integrity of the equipment, and confirm the conditions mandated by Section 63(2).

The practice — still unfortunately common — of relying on the nodal officer's court testimony as a substitute for the certificate must cease. The Khotkar decision, now reinforced by Pooranmal, leaves no doubt that this practice produces inadmissible evidence. Police manuals and standard operating procedures should be revised to include the Section 63 certificate as a mandatory checklist item in all investigations involving electronic records.

### **6.2 The Prosecutor's Duty of Pre-Trial Verification**

Prosecutors bear an independent responsibility to verify, before filing the charge sheet or at the latest before the commencement of trial, that the Section 63 certificate has been obtained for each electronic record sought to be adduced. If the certificate is missing, the prosecutor should either secure it in time or recalibrate the evidential strategy to avoid over-reliance on inadmissible material. The failure to do so — as in Pooranmal — results not only in acquittal but in the miscarriage of justice that comes from a conviction obtained on the basis of evidence that should never have been admitted.

### **6.3 Judicial Gatekeeping**

Trial courts occupy a crucial gatekeeping role in the admission of electronic evidence. Section 63 imposes a threshold condition of admissibility, not a matter for the discretion of the court. Judges should, as a matter of routine, demand the certificate at the time of marking any electronic record as an exhibit. Where the prosecution seeks to mark a CDR or call recording without producing the certificate, the objection of the defence counsel should be upheld and the document refused admission.

The failure to raise a timely objection does not permanently waive the right to challenge admissibility; in criminal proceedings, even belated objections at the appellate stage may be entertained if the admission of evidence was illegal. However, the preferable practice — both for the efficiency of the judicial process and the rights of the accused — is for the objection to be raised and resolved at the first opportunity.

#### **6.4 The Corroboration Requirement as a Constitutional Safeguard**

Beyond admissibility, courts should apply a robust corroboration requirement before treating electronic evidence as decisive of guilt. This is especially important where the electronic evidence is the sole or primary incriminatory material. Courts should ask: does this call recording, taken in conjunction with the totality of the evidence, establish guilt beyond reasonable doubt? Or does it merely establish a fact — such as communication between two persons — that is equally consistent with innocence?

The corroboration requirement is consistent with the spirit of Section 63 BSA and with the constitutional guarantee of fair trial. It also reflects a realistic appreciation of the limitations of electronic evidence: recordings can be selectively presented, content can be misattributed, voices can be disputed, and metadata can be manipulated. Corroboration from independent sources — witness testimony, physical evidence, documentary records — provides the judicial confidence necessary to ground a conviction.

#### **6.5 Recommendations**

##### **Recommendations for Strengthening the Evidentiary Framework**

- Amend police investigation manuals to mandate procurement of Section 63 BSA certificate as a standard step wherever electronic records are to be produced as evidence.
- Training of trial court judges and prosecutors on the Khotkar-Pooranmal framework through the national and state judicial academies.

- Standardised certificate formats should be prescribed and made available to telecommunications providers and other custodians of electronic records to reduce procedural errors.
- High Courts should issue practice directions requiring that electronic evidence be admitted only upon production of the certificate, placing the burden squarely on the party producing it.
- Legislative clarification under BSA to expressly provide that courts shall not rely solely on electronic records as the basis of conviction without independent corroboration.
- Accused persons who lack legal representation should be entitled to legal aid to challenge the admissibility of electronic evidence at trial, given the technical nature of the certificate requirement.

## **VII. CONCLUSION**

The Supreme Court's decision in *Pooranmal v. State of Rajasthan* is a timely and necessary intervention at the intersection of digital evidence and criminal justice. It stands for two interlocking propositions that together constitute a bulwark against wrongful conviction in the age of surveillance and electronic communication. First, call recordings and CDRs are inadmissible in evidence unless accompanied by the mandatory certificate under Section 63 of the BSA (or Section 65-B of the IEA, as the case may be). No court, irrespective of the volume or apparent persuasiveness of the electronic material, may receive it without this certificate. Oral testimony by nodal officers is not a permissible substitute. Second, even where electronic evidence is admissible, conviction cannot rest on it alone. Call recordings establish telephonic contact; they do not, without corroboration, establish criminal intent, participation in the offence, or the truth of any inculpatory statement. Courts must demand corroboration before treating electronic evidence as decisive of guilt.

These principles are not technicalities designed to favour the guilty. They are the considered architecture of a fair trial system that takes seriously both the power and the peril of electronic evidence. In a constitutional democracy that values personal liberty as a fundamental right, the

manner in which evidence is gathered, certified, and admitted determines whether the criminal justice system delivers justice — or merely delivers convictions.

The message from Pooranmal is unambiguous: when the state seeks to imprison a person on the strength of a call recording, it must first ensure that the recording is what it purports to be, certified by one who vouches for its authenticity under penalty of law. If that foundational assurance cannot be given, the recording must be excluded — and the conviction that depends upon it cannot stand.

## **TABLE OF CASES AND STATUTES**

### **Cases Cited**

#### **Supreme Court of India**

1. Pooranmal v. The State of Rajasthan & Anr., CrI.A. No. 1266/2026, 2026 INSC 217 (decided 10 March 2026)
2. Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1
3. Anvar P.V. v. P.K. Basheer & Others, (2014) 10 SCC 473
4. Shafhi Mohammad v. State of Himachal Pradesh, (2018) 2 SCC 801
5. Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116
6. P. Gopalkrishnan @ Dileep v. State of Kerala, (2020) 9 SCC 161
7. State (NCT of Delhi) v. Navjot Sandhu, (2005) 11 SCC 600
8. Mustkeem v. State of Rajasthan, (2011) 11 SCC 724

#### **Statutes and Codes**

1. Bharatiya Sakshya Adhiniyam, 2023 — Section 63 (Certificate for Electronic Records)
2. Indian Evidence Act, 1872 — Section 65-B (Admissibility of Electronic Records) [repealed]
3. Bharatiya Nyaya Sanhita, 2023 — Sections 103(1), 3(5), 238 (corresponding to IPC Sections 302/34, 201)
4. Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 351 (corresponding to CrPC Section 313)
5. Constitution of India — Articles 20, 21

## ENDNOTES

- 1 Pooranmal v. The State of Rajasthan & Anr., CrI.A. No. 1266/2026, 2026 INSC 217, decided on 10 March 2026 by a bench comprising Justice Vikram Nath, Justice Sandeep Mehta, and Justice N.V. Anjaria.
- 2 The Bharatiya Sakshya Adhiniyam, 2023 came into force on 1 July 2024 along with the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023, replacing the Indian Penal Code, 1860, the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1973 respectively.
- 3 Anvar P.V. v. P.K. Basheer & Others, (2014) 10 SCC 473. The Constitution Bench overruled State (NCT of Delhi) v. Navjot Sandhu, (2005) 11 SCC 600 on this point.
- 4 Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1. The three-judge bench expressly overruled Shafhi Mohammad v. State of Himachal Pradesh, (2018) 2 SCC 801.
- 5 Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116. The five principles enunciated in this case remain the locus classicus for circumstantial evidence cases in Indian criminal law.
- 6 Section 63(4) BSA requires the certificate to identify the document, describe the production process, confirm compliance with Section 63(2) conditions, and be signed by a responsible official in relation to the operation of the computer.
- 7 Pooranmal v. State of Rajasthan, supra note 1. The malkhana register (Ex. D-3) recorded forwarding of samples on 12 March 2010, contradicting witness testimony that the carrier constable (PW.16) carried the samples only on 18 March 2010.
- 8 The CDR evidence was adduced through the oral testimony of the nodal officer of the telecommunications provider. The Supreme Court held this was insufficient absent the mandatory certificate. See Pooranmal, supra note 1, paras 17, referring to Section 65-B IEA [Section 63 BSA].