



**ODISHA POLICE  
CRIME BRANCH  
CRIMINAL INVESTIGATION DEPARTMENT**

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**CRIME BRANCH CIRCULAR NO-05/2018.**

**Sub:- Use of Video recording and voice recording as Evidence in the Court.**

In view of amendment of statutory provisions and dictums in judicial pronouncements, photography and videography play significant role in investigation of criminal cases. During investigation; crime scene/post mortem/ inquest/leading to discovery of fact by accused/statement of the witnesses or victim/dying declaration etc. are required to be videographed by means of audiovisual recordings. In legal interception and in other means voice recordings are being preserved which may also be used as relevant piece of evidence. For the said purpose video recording can be displayed and voice recording can be played in the Court during trial of cases.

In this regard, the principles laid down in the following judicial pronouncements are very useful to prove video recording and voice recording (Audiovisual recording) in Court during trial of criminal cases.

1. Electronically recorded conversation is admissible in evidence if the conversation is relevant to the matter in issue and the voice is identified and the accuracy of the recorded conversation is proved by eliminating the possibility of erasure, addition and manipulation. (Judgment of Supreme Court in the case of R.M. Malkani Vrs. State of Maharashtra).

2. The electronically recorded statement tendered in evidence can be received as evidence (Supreme Court Judgment in the case of K.K. Velusamy Vrs. U.N Palanisamy)

3. The call records relating to cell phones are admissible and reliable (Supreme Court Judgment in the case of State Vrs. Navjot Sandhu).

4. A previous statement made by a person and recorded on tape, can be used to corroborate the evidence given by the witness in Court to contradict his evidence as well as to test his veracity and to establish his impartiality. (Supreme Court Judgment in the case of Sri Rama Reddy Vrs. V.V.Giri).

5. Video cassette containing statement of accused regarding place of concealment of incriminating articles and the accused leading the Police Officers to the spot and giving discovery of articles can be displayed in the Court (Odisha High Court Judgment in the case of Amulya Kumar Panda Vrs. State of Odisha)

**In this regard, the following points may be taken care of during investigation of case.**

1. Digital mode cameras displaying time, date and GPS (Latitude and longitude) coordinates may be selected for recording videography of statement of the witnesses / photography of scene of crime.
2. Photography should be done to record the crime scene and it is useful in reconstruction of crime scene.
3. It is advisable to have at least two witnesses of the locality while video recording the statement of witnesses and observing the scene of crime. The video recording shall disclose the presence of witnesses.
4. The statement of videographer and witnesses present at the time of video recording shall be recorded u/s 161 Cr.P.C. CB Circular No.1/2011 may be referred to while recording statement of the witnesses in audiovisual means.
5. In case of the CCTV footage of a crime or video recording of a crime by electronic media, the person who is custodian of the said CCTV or the media person who recorded the crime shall be examined as witness and his statement shall be recorded u/s 161 Cr.P.C.
6. Videography, if any, taken by the victim / witness may be considered as evidence for the crime after examining the same by the I.O and recording his / her statement as witness u/s 161 Cr.P.C.

7. All the printed photos and compact discs (CDs) are to be incorporated in Case Diary concerned and same is required to be submitted in duplicate before the Court of Law. Hard (Photos) copies along with soft (CDs/Pen Drive) copies shall be produced as evidence in Court of Law.
8. All electronic secondary evidence shall carry a certificate u/s 65 B of Indian Evidence Act, to make the electronic record admissible in Evidence.
9. Print outs of captured photos and CDs / DVDs of video shooting made from commercial photographer / I.O. should be included in the case diary/ charge sheet in duplicate with 65 B certificate of the Indian Evidence act and statement of the camera handler.



(S.K. Upadhyay)

Additional Director General of Police  
CID/Crime, Odisha

**Memo No 23237/CID (Law)**

**Dt. 11 .06.2018**

Copy forwarded to;

- All District SsP including SsRP, Rourkela & Cuttack/DCsP, Cuttack & Bhubaneswar
- Addl DGP Railways, Odisha, Cuttack/Commissioner of Police, Bhubaneswar
- All Range IsGP/DIsGP

for information and necessary action.



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