APHC010359232025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3331]
(Special Original Jurisdiction)

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 1745/2025

Between:

1. ALLU SATYA SRINIVAS,, S/O KRISHNA RAO, AGED 49 YEARS, RESIDENT OF DOOR NO. 39-33-50/4/5, VUDA COLONY, MADHURAVADA, VISAKHAPATNAM.

...PETITIONER

AND

1. SRI PORTTA RAMA NARASIMHA JAGANNADHAM, , S/o Acchanna Setty, aged 71 years. Residing at Door No. 11-25, Lakshmi Street, Dhaba gardens Visakhapatnam.

...RESPONDENT

Petition under Article 227 of the Constitution of India,praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased to set aside the Docket order dated 06-01-2025 in O.S No.301 of 2021 on the file of the II Additional Senior Civil judge, Visakhapatnam and direct the learned Trial Judge to mark the said photographs rendered by the counsel for Defendant during the cross examination and pass s

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S No.301 of 2021 on the file of the II Additional Senior Civil judge, Visakhapatnam as the learned

Trial Judge is proceeding further for recording further evidence of the plaintiff evidence and pass

Counsel for the Petitioner:

1. A RADHAKRISHNA

Counsel for the Respondent:

1. VIJAYA KUMAR SATA

The Court made the following:

ORDER

Heard Sri A.Radhakrishna, learned counsel for the petitioner and Sri Harsha, learned counsel representing Sri Vijaya Kumar Sata, learned counsel for the respondent.

2. Assailing the docket order dated 06.01.2025 in O.S.No.301 of 2021 on the file of II Additional Senior Civil Judge, Visakhapatnam, the defendant in the suit filed the above revision.

3. The respondent/plaintiff filed the suit O.S.No.301 of 2021 for recovery of amount on the strength of promissory note said to have been executed by the defendant.

4. The defendant filed a written statement and denied the execution of the promissory note as well as acquaintance with the plaintiff. In fact, the defendant pleaded that he borrowed an amount of Rs.5,00,000/- from Bodala Viswanadha Rao and executed a simple mortgage deed dated 08.11.2012 and also offered security of a plot admeasuring 267 square yards. Later, he discharged the loan. Again, he borrowed an amount of Rs.10,00,000/- from Chitikela Mangapathi Rao and Chintu Swami Naidu and executed a simple mortgage deed. The said mortgage was

redeemed, and the debt was discharged. During that transaction, they also obtained his signatures on blank promissory notes and blank cheques.

5. Trial in the suit has been commenced. The plaintiff filed an affidavit in lieu of chief examination. During the cross-examination of P.W.1, the counsel for the defendant confronted some photographs to the witness and questioned him as to whether he could identify the defendant in those photographs. The trial Court took objection to the process of conducting identification of a person in those photographs during the cross-examination.

6. At that stage, learned counsel for the plaintiff relied upon the judgment of the Madras High Court in **Rama Srinivasa Rao.P. Vs. Dr.N.Ragavan**[1]. Learned counsel for the defendant did not submit any counter arguments regarding the objection raised by the Court *vis-à-vis* citation relied on by the learned counsel for the plaintiff. Thereafter, the defendant was called absent. No representation on his behalf till 4.20 p.m. Costs not paid. Hence, the cross-examination of P.W.1 was closed, and the trial Court adjourned the suit for further evidence of the plaintiff.

7. Sri A.Radha Krishna, learned counsel for the petitioner would submit that in the light of the defence raised by the defendant, the photographs were shown to the witness during the cross-examination. In fact, when the photograph was confronted with the witness, as seen from the cross-examination filed along with the revision, the trial Court took objection. Such a course adopted by the trial court is unjustifiable.

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[1] 2006 (2) CTC 43 : 2005 SCC OnLine Mad 468

8. Sri Harsha, learned counsel appearing for the respondent, while supporting the order would submit that confrontation of a random photograph is impermissible. The photograph cannot be termed as a document.

9. The point for consideration is:

Whether the order under revision suffers from any illegality warranting interference?

10. The facts narrated supra need no reiteration. The word "**document**" is defined under Section 3 of the Indian Evidence Act, 1872, which reads thus:

> "document" means any matter expressed or described or otherwise recorded upon any substance by means of letters, figures or marks or any other means or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter and includes electronic and digital records.

As seen from the illustrations,

> (i) A writing is a document.
> (ii) Words printed, lithographed or photographed are documents.
> (iii) A map or plan is a document.
> (iv) An inscription on a metal plate or stone is a document.
> (v) A caricature is a document.

11. Thus, a reading of the above definition would manifest that a photograph neither can be described as a document nor has the characteristics. What is described in the illustrations is 'words printed, lithographed or photographed are documents'. Thus, the photograph, per se, cannot be termed as a document.

12. In **Rama Srinivasa Rao's** case, a learned single Judge of the Madras High Court, in an identical issue, observed thus:

> **"12.** To appreciate the merits of the above contention, we may consider marking of documents during cross examination by showing the documents to the witness. The documents in the possession of the cross-examiner may either be admissible in itself or inadmissible. In this case, the Document/Photograph is an admissible document. Though the document is admissible, can the document be admitted in evidence through the Plaintiff who had neither taken the photograph nor at whose instance the document was marked. Undoubtedly, the document being shown to the witness, when the witness asserts or admits the same, the document could be marked through that witness. But the "photograph" cannot be equated to such categories of documents which could be marked through cross-examination of witness.
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> **13.** Whether a photograph is a correct reproduction of the original, whether it correctly depicts the picture of the location depends on many factors *viz.,* correctness of lens, state of weather and time taken, photographic skill adopted by the photographer, accuracy of the angle, availability of light and such other factors. The proof of identity of the site, location, objects and persons in the photograph photograph could be admitted in evidence only by examining the photographer.
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> **14.** Frequently, objections are being raised about the accuracy of the photographs on the ground of correctness of lens, light, focussing, skill of the photographer and such other aspects. The photograph is not something which contains some admissible contents to be marked through witnesses during cross-examination - say, for instance like containing the signature or writing of the witness who is in the box wherein he could assert or admit its contents. The witness who is cross examined can neither assert nor deny the contents or accuracy of the photograph. While so, the cross-examiner cannot insist for marking the photograph during the cross-examination of either the opponent or his witnesses.

> **15.** If the photograph in the hands of the cross-examiner is marked during cross-examination, how could the party who called the witness could cross-examine the witness as to the accuracy of the photograph. Hence though the photograph is admissible, it cannot be marked during the cross examination of the opponent or his witnesses. It is always desirable to produce the photographs by examining the person who took the photographs or by the party who is relying on the photographs or at whose instance the photographs were taken. It cannot be marked during cross-examination of the opponent or his witnesses.
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> **16.** Generally, photographs are admissible only if the photograph has been properly verified on oath by a person able to speak to its accuracy. Photographs should not be admitted in evidence without examining the person who took the photographs and the negatives of the same being produced on record or at whose instance the photographs were taken."

13. In fact, the learned single Judge of the Madras High Court observed that generally, photographs are admissible only if the photograph has been properly verified on oath by a person able to speak to its accuracy. Photographs should not be admitted in evidence without examining the person who took the photographs and the negatives of the same being produced on record or at whose instance the photographs were taken.

14. In the case on hand, in view of the law laid down, the objection raised by the trial Court regarding confronting the photograph to the witness is sustainable. This Court does not find any perversity or illegality in the orders passed by the trial Court warranting interference by this Court, while exercising the jurisdiction under Article 227 of the Constitution of India. There are no merits in the revision, and hence, it is liable to be dismissed.

15. Accordingly, the Civil Revision Petition is Dismissed. No costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

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JUSTICE SUBBA REDDY SATTI

PVD

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No