



Evidence - A report based on hearsay evidence or on the information given by an illiterate person cannot be admissible even under Section 35 of the Evidence Act.

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In **Brij Mohan Singh v. Priya Brat Narain Sinha 1965 3 SCR 861** Court observed as follows:

*“The entry therein showing the birth of a son to Sarjoo Singh on October 15, 1935 can however be of no assistance to the appellant unless this entry is admissible in evidence under the Evidence Act. If this entry had been made by the Chowkidar himself this entry would have been relevant under Section 35 of the Evidence Act. Admittedly, however, the Chowkidar himself did not make it.... The reason why an entry made by a public servant in a public or other official book, register, or record stating a fact in issue or a relevant fact has been made relevant is that when a public servant makes it himself in the [discharge](#) of his official duty, the probability of its being truly and correctly recorded is high. That probability is reduced to a minimum when the public servant himself is illiterate and has to depend on somebody else to make the entry.”*

In the instant case also, Durga Prasad had to depend on some unknown persons, who were not even mentioned in the document, to gather his facts and, therefore, even if it is admissible its probative value [will](#) be almost zero.

**State Of Bihar v. Radha Krishna Singh**, 1983 PLRonline 0004

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