

**Customs Act, 1962**

**Section 139 - Presumption as to Documents in Certain Cases**

---

**1[139. Presumption as to documents in certain cases.--**

Where any document-

( i) is produced by any person or has been seized from the custody of control of any person, in either case, under this Act or under any other law, or

( ii) has been received from any place outside India in the course of investigation of any offence alleged to have been committed by any person under this Act,

and such document is tendered by the prosecution in evidence against him or against him and any other person who is tried jointly with him, the court shall-

( a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested that it was executed or attested by the person by whom it purports to have been so executed or attested ;

( b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence ;

( c) in a case falling under clause ( i) also presume, unless the contrary is proved, the truth of the contents of such document.]

2[Explanation:-- For the purposes of this section "document" includes inventories, photographs and lists certified by a Magistrate under sub-section (1C) of section 110.]

---

1. Substituted by Act 36 of 1973, section 10, for section 139 (w.e.f. 1-9-1973).

2. Inserted by Act 80 of 1985, section 11 (w.e.f. 27-12-1985).

---

---