



## FACULTY OF JURIDICAL SCIENCES

NAME OF FACULTY: Dr. Ravi Kant Gupta

COURSE: B.B.A.LL.B. VI Semester

SUBJECT: Law of Evidence

SUBJECT CODE: BBL 604

# Lecture-2



**Court.**— Section 3 of Indian Evidence Act, 1872 defines as

“Court” includes all Judges and Magistrates and all persons, except arbitrators, legally authorized to take evidence.

**Fact-** Section 3 of Indian Evidence Act, 1872 defines Fact as:

“Fact” means and includes--

- (1) any thing, state of things, or relation of things, capable of being perceived by the senses;
- (2) any mental condition of which any person is conscious.

### **Illustrations**

- (a) That there are certain objects arranged in a certain order in a certain place, is a fact.
- (b) That a man heard or saw something, is a fact.
- (c) That a man said certain words, is a fact.
- (d) That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.
- (e) That a man has a certain reputation, is a fact.

The definition of “fact” includes two parts. The first part deals with what may be called the

“**physical facts**”, while the second part deals with what may be called “**psychological facts**”.

**Facts in issues-** Section 3 of the Indian Evidence Act defines facts and fact in issue in such a way that facts mean the ‘**happening or existence of anything**’ these are particularly knowledge or any information related to anything. Whereas, facts in issue are those facts which are in question or those facts which need to be proved for the purpose of ascertaining some information and making inferences out of relevant information in the case in obtaining justice.

### **Illustration-**

A is the owner of a shop- it is a fact.

A is accused of robbery- now whether A committed robbery or not is a fact in issue.

**Relevant Fact-** The actual meaning of relevant is ‘connected’, so those facts which give any inferences or support or influence to any other facts then these facts are known as relevant facts.

**Illustration-**

A is accused of Murder of B in Agra (Fact)

A was in Canada for his business meetings at the time of the murder (Relevant fact)

**Document**— Section 3 of Indian Evidence Act, 1872 defines as

Document means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

**Illustrations**

- a) A writing is a document;
- b) 3Words printed lithographed or photographed are documents;
- c) A map or plan is a document;
- d) An inscription on a metal plate or stone is a document;
- e) A caricature is a document.