



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-9



State of mind, or of Body or Bodily Feelings

Section 14 of Indian Evidence Act, 1872 :

Section 14 provided about **two** things:

First part talks about facts showing the *existence of state of mind* which includes intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards **particular person are relevant**. Focus is given on particular person, which means state of mind is not towards general person, but a particular person.

Second part of Section 14 says, facts showing the existence of any state of body or bodily feeling are Relevant.

Illustrations related to main part of Section 14 are as follows:

- A is accused of receiving stolen goods knowing them to be stolen. If he is found of other stolen goods in his possession. Here it shows his state of mind.
- Similarly, A is accused of delivering to other a counterfeit coin which, at the time of delivery, he knew it to be counterfeit. If he is found of other counterfeit coins in his possession then, this shows state of mind of A.

Two Explanation under Section 14:

Explanation-1: A fact is said to be relevant as showing state of mind only when it shows state of mind related to particular matter (or person) and not general matter.

Illustration related to fact showing state of mind related to particular matter:

A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured. The fact that B was habitually negligent about the carriages which he let to hire, is *irrelevant*. Here, it is matter related general thing.

The fact that B's attention was drawn on other occasions to the defect of that *particular carriage*, is relevant. It is relevant because it is related to particular carriage/matter.

Similarly, A is tried for the murder of B by intentionally shooting him dead. The fact that A, on other occasions shot at B is *relevant*, as showing his intention to shoot B. Which shows intention/state of mind towards particular matter.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant. Which shows intention/state of mind towards general matter.

Explanation-2: Previous conviction of the person is also relevant under section 14. Read illustration:

A is accused of delivering to other a counterfeit coin which, at the time of delivery, he knew it to be counterfeit. If A was previously convicted of delivering counterfeit coins are relevant.

- **R vs. Prabhudas (1874):** This case explains, Explanation-1 of Section 14. In this case, accused was found of documents apparently forged. It was held not relevant in prosecution for forging a promissory note as it shows tendency of committing a offence of that class and not an intention to commit that **particular offence** (i.e., committing of forgery of promissory note) It was not found relevant under section 14.
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- **Aveson vs Kinnaird** (English case): Lady made statement as to state of her health to the insurance company that her health is good. But Insurance company claimed that she made false statement to them as when visitor visited her, she told him that she was in bad state of health. These statement of visitor were allowed by the court and held to be relevant as it shows her state of mind (Which includes intention, ill-will, good faith etc.).

