



FACULTY OF JURIDICAL SCIENCES

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

SUBJECT: Law of Evidence

SUBJECT CODE: BBL 604

Lecture-3



Evidence. —“Evidence” means and includes —

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents including electronic records produced for the inspection of the Court; such documents are called documentary evidence.

Classification

Evidence is classified into different categories such as:

Oral Evidence- Section 60 deals with the oral evidence, where oral evidence is those evidence which the witness has either personally seen or heard any such facts or information which has the capability of proving or establishing the facts in issues. The only condition with these types of evidence is that they must be direct or positive for establishing the fact in issues.

- **Documentary Evidence-** Section 3 talks about the documentary evidence, where those facts or information in the form of the document can be witnessed directly by the court of law for establishing the facts in issues.
- **Primary Evidence-** Section 62 deals with primary evidence, these are those facts or information which by any means has a great capability of proving or disproving any fact in issues then such information is considered as primary evidence like a paper document of any vehicle is primary evidence to prove the ownership of the vehicles.
- **Secondary Evidence-** Section 63 deals with secondary evidence, these are those evidence which is given in the absence of primary evidence like when there is no primary evidence than secondary evidence can be used to prove a fact in issue.

Eg. If the original paper document is lost then its photocopies can be used as secondary evidence to prove the ownership.

- **Real Evidence-** Real evidence means material evidence where the court can inspect the evidence directly and requires no further knowledge.
- **Direct Evidence-** It is one of the most powerful types of evidence as the court need not make any inference because these evidence shows the direct impact and has great value to establish or prove any fact in issues.

- **Indirect/ Circumstantial Evidence-** When there is no sufficient direct evidence to prove any fact in issue then the court can make an assumption on the availability of existing evidence and construct a link between the existing evidence and the inference. And if the constructive link is completely beyond any reasonable doubt then the court can establish any fact.
- **Hearsay Evidence-** Hearsay evidence is very weak evidence or no evidence as to the witness, himself is not the actual witness of the fact in issues because whatever he is reporting is not what he saw or heard rather the reporting facts are the facts which are narrated by another person. Hence the court believes that the narrated facts by the third person have not much credibility in establishing any facts.
- **Judicial Evidence-** Statements of witnesses, documentary evidence, facts established during the examination of a witness in the court, self-incrimination is some kind of evidence which the court receives itself and such evidence are known as judicial evidence.
- **Non- Judicial Evidences-** Confession made by the witness or accused or victim outside the court are considered as non- judicial evidence.

Prima Facie Evidence- The concept of ‘on the face of it’ with respect to evidence is a principle when the court presumes any facts and considered them proved until they are disproved, then such evidence is known as prima facie evidence.

- **Proved-** A fact is considered to be proved when, the court after considering all the evidence after the trials and proceeding either believes the happening of the case in such a manner as it is expressed or if the court makes a probable inference beyond reasonable doubt and believes that the existence of the case in such manner as it was explained.
- **Disproved-** A fact is considered to be disproved when the court after considering all the evidence after the trials and proceeding either believes that it does not exists as explained or if the court makes a probable inference beyond reasonable doubt and does not believes the existence of case in such a manner as it was explained.
- **Not proved-** A fact is called not proved when the facts are in a circumstantial condition that they are neither proved nor they are disproved.