

GOOD MORNING

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INTRODUCTION

THE EVIDENCE ACT, 1872

1ST SEPTEMBER 1872

SCHEME OF THE ACT

1. PART 1 : CHAPTER I & II
2. PART 2 : CHAPTER III TO VI
3. PART 3 : CHAPTER VII TO XI
4. TOTAL SECTIONS : 1 TO 167.

PART 1 :

CHAPTER I : Section 1 to 4 (Title, Extent & Jurisdiction)

CHAPTER II : Section 5 to 55 (Relevancy of Facts)

PART 2 :

CHAPTER III: Section 56 to 58 (Mode of Proof, Judicial Notice, Facts Admitted Before Judicial Proceeding)

CHAPTER IV: Section 59 & 60 (All facts except the contents of Document may be proved by oral evidence & Oral Evidence must always be direct)

CHAPTER V: Section 61 to 90 (Rules relating to Documentary Evidence, Proof of contents of Document, Proof of Execution of Document, Presumption in respect of certain Documents.

CHAPTER VI: Section 91 to 100 (Exclusion of Oral by Documentary Evidence, Proof of the terms in any Contract, Grant or Disposition of property, Patent & Latent ambiguities contained in such documents)

PART 3:

CHAPTER VII: Section 101 to 114 (The Rules relating to Burden of Proof)

CHAPTER VIII: Section 115 to 117 (Estoppels)

CHAPTER IX: Section 118 to 134 (Competency and Compellability of Witness)

CHAPTER X: Section 135 to 166 (Examination of Witnesses i.e., (1) Examination, (2) Cross Examination and (3) Re-Examination)

CHAPTER XI: Section 167 (Improper admission and Rejection of Evidence)

1. What is Evidence?
2. Why Evidence is Important?
3. Where we Need Evidence?
4. When is Evidence Important?
5. How Evidence can Change a Case?

The **word “ Evidence”** is originated from a Latin **term “Evidentia”** which means to show clearly, to make clear to the sight to discover clearly certain, to ascertain or to prove. ...

In other words, **evidence** is the means of satisfying the court of the truth or untruth of disputed fact between the parties in their pleadings.

Evidence can be described as the material placed before a Court for the purpose of assisting a Judge to reach a decision in the matter.

A Judge's decision is limited to the **evidence** placed before them, therefore it is **important** that a party provide as much relevant **evidence** as possible to support their case.

The best **evidence rule** is a legal principle that holds an original copy of a document as superior **evidence**.

The **rule** specifies that **Secondary evidence**, such as a copy or facsimile, will be not admissible if an original document exists and can be obtained.

Example:

Indian Penal Code, 1860

Section 300: Murder

Section 302: Punishment for Murder

CIVIL PROCEEDINGS

SUIT

PLAINT



WRITTEN STATEMENT



ISSUES



EVIDENCE OF PLAINTIFF/S



EVIDENCE OF DEFENDANT/S



ARGUMENTS



DECREE & JUDGMENT

CRIMINAL PROCEEDINGS

CASE

Complaint



F.I.R



Investigation



Charge sheet



EVIDENCE OF COMPLAINANT/S



EVIDENCE OF ACCUSED



ARGUMENTS



JUDGMENT

What is Fact?

A Fact means and Include:

(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.

Types of Facts:

(1) Physical Facts: A Subject of Perception by bodily senses.

(2) Psychological Facts: The intention of a particular individual in doing a particular act.

KINDS OF EVIDENCE

ORAL

&

DOCUMENTARY

Direct evidence supports the truth of an assertion (in criminal law, an assertion of guilt or of innocence) directly, i.e., without an intervening inference.

Example:

Security camera footage showing a person breaking into a store and stealing items; An audio recording of a person admitting to committing a crime; ... Eyewitness testimony that a person saw the defendant commit a crime; The defendant's fingerprints on a weapon used to commit murder

Hearsay evidence, in a legal forum, is testimony from a witness under oath who is reciting an out-of-court statement, content of which is being offered to prove the truth of the matter asserted.

Example:

Hearsay Evidence. The term “**hearsay**” refers to an out-of-court statement made by someone other than the witness reporting it. For **example**, while testifying in John's murder trial, Anthony states that John's best friend told him that John had killed the victim.

Doctrine of Res Gestae: Hearsay evidence is no evidence

Circumstantial evidence is **evidence** that relies on an inference to connect it to a conclusion of fact—such as a fingerprint at the scene of a crime. By contrast, direct **evidence** supports the truth of an assertion directly—i.e., without need for any additional **evidence** or inference.

Example:

Evidence that establishes a motive.

Evidence of an opportunity to commit the offence.

Evidence of the accused's state of mind when the offence was committed.

Evidence of the accused preparing for the crime.

What is Dying Declaration?

A **Dying declaration** is a statement made by a declarant, who is unavailable to testify in court (typically because of the declarant's death), who made the statement under a belief of certain or impending death.

OR

Dying Declaration. A statement by a person who is conscious and knows that death is imminent concerning what he or she believes to be the cause or circumstances of death that **can** be introduced into evidence during a trial in certain cases.

Example:

'A' has been assaulted by 'B' or has been attacked by 'B', such a person shortly before his death makes a declaration holding 'B' responsible for the injuries inflicted on him.

WHAT IS DOCTRINE OF
DOUBLE JEOPARDY?

‘It Guarantees that no person
accused of an offence shall be
Prosecuted and Punished for the
same offence more than Once’.

WHAT IS ESTOPPEL?

When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

Example:

'A' intentionally and falsely leads 'B' to believe that certain land belongs to 'A', and thereby induces 'B' to buy and pay for it.

The land afterwards becomes the property of 'A', and 'A' seeks to set aside the sale on the ground that, at the time of sale, he had no title. He must not be allowed to prove his want of title.

Examination-In-Chief

Cross Examination

Re-Examination

Reference Books:

Law of Evidence by Dr.V.Krishnamachari

Law of Evidence by Batuk Lal

Law of Evidence by Ratanlal & Dheerajlal

Law of Evidence by Avtar Singh

*Thank
You*



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