

Facts of a. what facts
become relevant? (a)



**ASSIGN
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Facts in Issue: (a) A is tried for the murder of B. (b) A sues upon a bond for the payment of money. denies the making of the bond. (c) A is tried for the murder of by poison. (d) The question is whether a certain document is the will of A. What Facts Become Relevant? (a) The facts that (i) A murdered C; (ii) knew that A had murdered C; and (iii) had tried to extort money from A by threatening to make his (B's) knowledge public- Are relevant: ('Motive') (b) The fact that, at the time when the bond was alleged to be made, required money for a particular purpose, is relevant: ('Motive') (c) The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant: ('Preparation').

(d) The facts that, not long before the date of the alleged will — (i) A made an inquiry into matters to which the provisions of the alleged will relate; (ii) That A consulted Vakils in reference to making the will; and that, (iii) He caused drafts of other wills to be prepared of which he did not approve, — are relevant: ('Preparation' and 'Previous conduct'). 3(ii). Conduct (Section 8): The conduct (previous or subsequent) of — (i) A party, or (ii) His agent or (iii) An accused is relevant. Which influences or is influenced by (i) A fact in issue, or (ii) Relevant fact. Illustration to Section 8 (Contd.): Facts in Issue: (a) A is accused of a crime. (b) The question is whether A committed a crime. What Facts Are Relevant? The facts that, either before or at the time of, or after the alleged crime, — (i) A provided evidence which would tend to give to the facts of the case an appearance favourable to himself; or that (ii) A destroyed or concealed evidence; or (iii) A prevented the presence or procured the absence of witnesses, or (iv) A suborned persons to give false evidence — are relevant: ('Previous and subsequent conduct) The facts that

— (i) A absconded after receiving a letter warning him that inquiry was being made for the criminal and the contents of the letter are relevant.

(ii) After the commission of the crime, A absconded or was in possession of property or the proceeds thereof; or that — (iii) A attempted to conceal things which were or might have been used in committing the crime, — are relevant: (Subsequent conduct) Mere statements do not constitute ‘conduct’, unless they accompany and explain acts other than statements: Explan. 1. Illustration: The question is, whether A was ravished (or robbed). The facts that, shortly after the alleged rape (or robbery), A made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that A said that she had been ravished (or robbed) without making any complaint, is not relevant as conduct under this section, though it may be relevant as a dying declaration under S. 32(1), or as corroborative evidence under S. 157. [These Illustrations make statements of a person against whom an offence has been committed, relevant.] Mere statements, as distinguished from acts, do not constitute conduct. A statement by a retiring partner, made immediately after his retirement, as to the reason for his refusing to continue to guarantee the firm’s account with a bank, may be admissible to explain his conduct.

When the conduct of any person is relevant, any statement made (i) to him or (ii) in his presence and hearing, which affects such conduct, is also relevant: Explan. 2. Illustration: (1) The question is, whether A robbed B. The fact that after was robbed, N said in A’s presence, “ The police are coming to

look for the man who robbed B”, and that immediately afterwards, A ran away, are relevant. (2) The question is, whether A owes rupees 10, 000.

The facts that A asked to N to lend him money, and that D said to N in A’s presence and hearing “ I advise you not to trust A, for he owes Rs. 10, 000”, and that A went away without making any answer, are relevant facts.