

Facts of b. (f) a is
sued



Facts showing — (a) The existence of any state of mind, such as intention [Illustration. (e), (i), (j)], knowledge [Illustration. (a), (b), (c), (d)], good faith [Illustration. (f), (g), (h)], negligence [Illustration. (n)], rashness [Illustration. (ê), (l), (m)], ill-will or goodwill towards any particular person; or (b) The existence of any state of body or bodily feeling,— are relevant, — when the existence of any such state of mind, or body, or bodily feeling, is in issue or is relevant. Illustration to Section 14: Fact in Issue: (a) A is accused of receiving stolen goods, knowing them to be stolen. It is proved that he was in possession of a particular stolen article. (b) A is accused of fraudulently delivering to another a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit. (c) A sues for damage done by a dog of which B knew to be ferocious. (d) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious. (e) A is accused of defaming by publishing an imputation intended to harm the reputation of B.

(f) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss. (g) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor. A's defence is that B's contract was with C. (h) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found. (i) A is charged with shooting at B with intent to kill him. (j) A is charged with sending threatening letters to B.

(k) The question is whether A has been guilty of cruelty towards B, his wife.

(l) The question is, whether A's death was caused by poison. (m) The question is what was the state of A's health at the time an assurance on his life was affected. Illustration: (n) A sues for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

(o) A is tried for the murder of by intentionally shooting him dead. (p) A is tried for a crime. What Facts Become Relevant? (a) The fact that, at the same time, he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen. (b) The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant. The fact that A had been previously convicted of delivering to another as genuine, a counterfeit coin knowing it to be counterfeit, is also relevant. (c) The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(d) The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant as showing that A knew that the payee was a fictitious person. (Illustration (d) is based on the English case, *Gibson v. Hunter*, 1794 2 HBL 288.

) (e) The fact of previous publications by A respecting B, showing ill-will on the part of A towards B is relevant, as proving A's intention to harm B's reputation by the particular publication in question. The facts that there was no previous quarrel between A and B, and that A repeated the matter

complained of as he heard it, are relevant, as showing that A did not intend to harm B's reputation. (f) The fact that, at the time when A represented Ñ to be solvent, Ñ was supposed to be solvent by his neighbour and by persons dealing with him, is relevant, as showing that A made the representation in good faith. (Illustration (f) is based on the English case, *Sheen v. Bumpstead*, 1863 2 H & Ñ 193.

) (g) The fact that A paid Ñ for the work in question is relevant, as proving that A did, in good faith, make over to C, the management of the work in question, so that Ñ was in a position to contract with on C's own account, and not as agent for A. (Illustration (g) is based on the English case, *Gerish v. Charlier*, 1845 1 C. B.

13.) (h) The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith, believe that the real owner of the property could not be found. The fact that A knew, or has reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith. (i) In order to show A's intent, the fact of A's having previously shot at may be proved. (j) Threatening letters previously sent by A to may be proved, as showing the intention of the letters. (k) Expressions of their feeling towards each other shortly before or after the alleged cruelty are relevant facts.

(l) Statements made by A during his illness as to his symptoms are relevant facts. (m) Statements made by A as to the state of his health at or near the

time in question are relevant facts. (Illustration (m) is based on the English case, *Aveson v. Lord Kinnaird*, 1805 6 Ea. 188.

) It is also provided that a fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question. (S. 14, Expln. 1) (n) The fact that B's attention was drawn on other occasions to the defect of that particular carriage is relevant.

The fact that was habitually negligent about the carriage which he let to hire is irrelevant. (o) The fact that A on other occasions shot at is relevant as showing his intention to shoot B. The fact that A was in the habit of shooting at people with intent to murder them is irrelevant. (p) The fact that he said something indicating an intention to commit that particular crime is relevant. The fact that he said something indicating a general disposition to commit crimes of that class is irrelevant. *Res Inter Alios* Åñtåtå: This maxim implies that inferences are not to be drawn from one transaction to another which is not specifically connected with it, merely because the two resemble each other as a matter of fact. They must be linked together by the chain of cause and effect in some reasonable manner before an inference may be drawn.

A fact in issue cannot be proved by showing that facts similar to it, but not part of the same transaction, have occurred at other times. Thus, when the question is whether a person has committed a crime, the fact that he had committed a similar crime some time ago is irrelevant. In *R. v. Shellaker* (1914 1 K. B. 414), it was held that to prove the occurrence of sexual

intercourse on a given occasion, prior and subsequent acts between the same parties are admissible. Previous conviction of accused (S.

14 Expln. 2): When the previous commission by the accused of an offence is relevant, the previous conviction of such person is also a relevant fact.

Relevancy of previous convictions (Ss. 14 and 13): A previous conviction may be relevant under S. 8 as showing motive. It may be relevant under S.

14 (Expln. 2) when the existence of any state of mind or bodily feelings is relevant. It may also be relevant under S. 43. [See Illustrations (e) and (f) to S. 43] A previous conviction is not admissible in evidence against the accused, except where he is liable to enhanced punishment under S. 75 of the Indian Penal Code on account of a previous conviction, or unless evidence of good character be given, in which case, the fact that the accused has been previously convicted of an offence is admissible evidence of bad character.