

**“Relevant”.** — One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

**“Facts in issue”.**— The expression “facts in issue” means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

*Explanation.*—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure,<sup>1</sup> any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue is a fact in issue.

#### *Illustrations*

A is accused of the murder of B.

At his trial the following facts may be in issue:—

That A caused B’s death;

That A intended to cause B’s death;

That A had received grave and sudden provocation from B;

That A, at the time of doing the act which caused B’s death, was, by reason of unsoundness of mind, incapable of knowing its nature.

**“Document”.** —“Document”<sup>2</sup> means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

#### *Illustrations*

A writing<sup>3</sup> is a document;

<sup>3</sup>Words printed lithographed or photographed are documents;

A map or plan is a document;

An inscription on a metal plate or stone is a document;

A caricature is a document.

**“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) <sup>4</sup>[all documents including electronic records produced for the inspection of the Court;]

such documents are called documentary evidence.

**“Proved”.**—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

**“Disproved”.**—A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man

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1. See now the Code of Civil Procedure, 1908 (Act 5 of 1908); as to the settlement of issues, see Schedule I, order XIV.

2. Cf. the Indian Penal Code (Act 45 of 1860), s. 29 and the General Clauses Act, 1897 (10 of 1897), s. 3 (18).

3. Cf. definition of “writing” in the General Clauses Act, 1897 (10 of 1897), s. 3(65).

4. Subs. by Act 21 of 2000, s. 92 and the Second Schedule, for the words “all documents produced for the inspection of the Court” (w.e.f. 17-10-2000).