

Unit 2 Section 3 definitions

Section 3 contains details on the interpretation of the terms – Court, Fact, Relevant, Facts in issue, Document, Evidence, Proved, Disproved, Not Proved

1. Court : Court consists of all judges and magistrates, and any person who is legally authorised to take evidence, with the exception of arbitrators and tribunals.

It is the body which is capable of making decision or judgement which will be final and authoritative in nature.

2. Facts: Physical and Mental facts

i. Physical facts are those facts which we can observe through our own senses. For example, seeing, heard like hearing the sound of a horn, etc.

ii. Mental facts means any mental condition which a person is conscious (It means that person should have conscious that this condition exist) For example , Intention, knowledge, motive, voluntarily, good faith.

So if A shoots than the mental fact would be whether A had intention to shoot the other party or not.

3. Facts in Issue: It means Principal or main fact which determines rights and liabilities of the parties.

- It is presented by one and denied by other party.
- The determination of facts in issue leads to disposal of the case.
- For example A sues B for breach of contract. So here the fact in issue is whether there was contract between A and B and whether B breached the contract. So when this facts will be determined the case will be disposed.
- Another example A killed B with knife. So the fact in issue is Whether A killed B and whether A had intention to kill B.

4. Relevant Facts: These are those facts which help us to prove or disprove the facts in issue. They are not fact in issue. Relevant facts are also called as evidentiary facts

- Admissions and confessions, precedents from case laws, third party opinions, etc come under the category of relevant facts.
- For example A' is accused of committing theft. So relevant fact would be that 'A' had a history of pickpocketing and stealing, and has earlier also arrested for the same and the

Unit 2 Section 3 Notetaking Study Guide

Puja Mehta



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