

# CONSOLIDATED SUBJECT INDEX

## (Vol. I and II)

- Abatement**, rent, of, on account of diluvion, S. 104, p. 1461
- Abbreviations**, evidence to show meaning of, S. 98, pp. 1434, 1438
- Abduction**, evidence of previous similar acts, S. 15, p. 343
- Abetment**, offence includes, within S. 30, p. 58  
suicide, of, presumption as to, by a married woman, S. 113-A, p. 1627
- Abortion**, similar acts admissibility of, to show intent on charges of procuring, S. 15, p. 343
- Absconding**, presumption of guilt from, of accused, S. 8, pp. 182, 192, S. 9, p. 206
- Absence**, circumstances, of, burden of proving, S. 105, p. 1515  
death, presumption of from, S. 107, p. 1552  
entry, of, when relevant, S. 9, p. 206, S. 11, p. 263, S. 34, p. 768  
entry, of, no inference from, S. 34, p. 768  
explanation, of, effect, S. 3, p. 71  
presumption of death from 7 years', S. 108, p. 1552
- Absent Witness**, previous deposition of, when admissible, S. 33, p. 731 (See, *Deposition*)
- Acceptance**, estoppel by, of, a particular remedy, S. 115, p. 1914  
late payment, estoppel when, S. 115, p. 1788
- Acceptor**, denial that the bill was really drawn by alleged drawer, S. 117, p. 1946  
estoppel of, of bill of exchange, S. 117, pp. 19, 46  
signature of drawer may be shown a forgery, by, S. 117, p. 1947
- "Access"—"Non-Access"**, meaning of, S. 112, p. 1613  
evidence of parents to prove, during marriage, S. 112, p. 1623  
non-access, burden of proving, S. 112, p. 1618  
non-access, mode of proving, S. 112, p. 1613
- Accession**, judicial notice of, of Sovereign, S. 57, pp. 993, 1004
- Accessory**, after fact is an accomplice, S. 133, p. 2081  
before and after, crime, S. 133, p. 2081  
evidence of, after fact must be corroborated, S. 133, p. 2113
- Accident**, absence of negligence, burden of proof, S. 104, p. 1462  
*bona fide* passenger, burden to prove, S. 104, p. 1462  
damage suits, burden of proof of, S. 104, pp. 1462, 1506  
death caused by explosion in a carriage, S. 104, p. 1462  
evidence admissible to show whether the act was accidental or intentional, S. 15, p. 337  
mechanical defect, S. 104, p. 1462  
motor, cases, S. 45, p. 911  
negligence in, burden of proof, S. 104, p. 1462
- Accompanying**, *res gestae* acts when admissible as part of transaction or S. 6, pp. 153, 159, S. 9, p. 205  
declarations, acts, S. 8, p. 194  
facts must be contemporaneous, S. 6, p. 160  
statements, discovery of fact within, S. 30 are admissible as conduct, S. 27, p. 563
- Accomplice(s)**,  
accessories and convicted co-accused, corroboration rule of applies equally to the case of, S. 133, p. 2119  
approver distinguished, S. 133, p. 2074

NOTE : Pages 1 to 1444 relate to Vol. I and Pages 1445 to 2380 relate to Vol. II.

**Accomplice(s) Contd.**

- approver evidence, value of, S. 133, p. 2081
- approver, custody of, S. 133, p. 2118
- bribe-giver, S. 133, pp. 2085, 2088, 2095
- burden of proof that a witness is, S. 133, p. 2084
- circumstantial evidence, corroboration by, S. 133, p. 2111
- combined effect of S. 133 and S. 114 illus, (b), S. 133, p. 2077
- competency to give evidence, S. 133, p. 2027
- confession of co-accused, if corroboration, S. 133, p. 2109
- confession of, corroboration, S. 30, p. 609
- confession of, made before or during trial, S. 30, p. 596
- confession of, may be taken into consideration, S. 30, p. 587
- confession of, summary of law, S. 30, p. 595
- confession of, TADA, under S. 30, p. 604
- conviction on uncorroborated evidence of, not illegal, S. 133, pp. 2075, 2107
- corroboration of, 'independent' testimony, by, S. 133, p. 2106
- corroboration of, amount of, necessary in weighing, evidence, S. 133, p. 2114
- corroboration of, can previous statement if, legally amount to? S. 133, p. 2111
- corroboration of, confession of co-accused when admissible for, S. 133, p. 2109
- corroboration of, evidence by circumstantial evidence, S. 133, p. 2111
- corroboration of, evidence by conduct, demeanour &c, S. 133, p. 2111
- corroboration of, facts held corroborative, S. 133, p. 2112
- corroboration of, facts held not corroborative, S. 133, p. 2113
- corroboration of, gist of law relating to, S. 133, pp. 2104, 2112
- corroboration of, nature and extent of, S. 133, pp. 2098, 2100-2104, 2114
- corroboration of, necessity for, S. 133, p. 2096
- corroboration of, particulars required, in what, S. 133, p. 2102
- corroboration of, rule requiring, has the force of law, S. 133, p. 2115
- corroboration of, when not necessary, S. 133, p. 2119
- decoy, S. 133, p. 2088
- detective, S. 133, p. 2088
- dying declaration of, S. 32, p. 647
- English and Indian law identical, S. 133, p. 2076
- evidence of, duty of court in dealing with the, S. 133, pp. 2075, 2106, 2114, 2119, 2124
- gist of law relating to, evidence, S. 133, p. 2077
- guiding rules relating to corroboration, S. 133, p. 2102
- informers when, S. 133, p. 2088
- judge's duty when charging jury concerning evidence of, S. 133, pp. 2119, 2123
- jury should be warned as to, evidence, S. 133, pp. 2119, 2121
- paid informer, S. 133, p. 2088
- persons in the nature of, S. 133, p. 2086
- presumption, S. 114 (b), p. 1636
- retracted confession, of, S. 30, pp. 603, 609
- sexual offences, corroboration in, S. 133, p. 2103
- spy, detective, decoy, informer distinguished, S. 133, p. 2088
- statement under Customs Act, S. 30, p. 606
- testimony of, and confession of co-accused and testimony of, difference, S. 30, pp. 612, S. 133, p. 2088
- trap witness, S. 133, p. 2088
- who are, S. 133, pp. 2081-84
- who are not, S. 133, p. 2086
- witness how to decide whether is an, S. 133, p. 2084

**Account (Or Shop) Books, American and French law, S. 34, p. 757**

- admissibility of entries, essential to be proved, S. 34, p. 756
- banker's book, S. 34, p. 771
- bill of lading, S. 34, p. 772

**Account (Or Shop) Books Contd.**

- chittas, S. 34, p. 771
- credit given to, person calling, bound by, S. 34, p. 769 (See also, *Books of Account, Entries*)
- credit given to, S. 34, p. 769
- degree of credit to be given to, S. 34, p. 769
- English common law, S. 34, p. 756
- entries in, course of business, should be made in, S. 32 (2), p. 683, 684, 762
- entries in, persons dead, by, S. 32, p. 684
- entries in, relevant, when, S. 34, pp. 755, 759, 761
- factory books, S. 34, p. 771
- form of, nature of, S. 34, p. 766
- form of, S. 34, p. 761
- form of, time of making, S. 34, p. 763
- hatchitta books, S. 34, p. 771
- honest appearance of books, S. 34, p. 765
- hospital records, S. 34, p. 771
- Jumma-wasil-baki, S. 34, p. 769
- jummabundi papers, S. 34, p. 770
- kinds of, admissible under S. 34, p. 769
- ledger, S. 34, p. 762
- meaning of books of account, S. 34, p. 757
- meaning of word "account", S. 34, p. 756
- mode of proof of, S. 34, p. 764
- overseas police record, S. 34, p. 771
- presumption of genuineness of, S. 34, p. 758
- rebutting presumption, S. 34, p. 768
- "regularly kept in the course of business", absence of, S. 9, p. 206, S. 11, p. 263, S. 34, p. 768
- "regularly kept in the course of business", corroborative evidence, S. 34, pp. 758, 766
- "regularly kept in the course of business", each entry is to be proved, S. 34, p. 764
- "regularly kept in the course of business", liability, not alone sufficient to charge one with, S. 34, p. 766
- "regularly kept in the course of business", meaning of, S. 34, p. 762 (See, *Course of Business*)
- "regularly kept in the course of business", time of occurrence, need not be made of, S. 34, p. 763
- relevancy of entries in S. 34, p. 755
- stock register of a society, entries in, S. 34, p. 757
- Talab-baki papers, S. 34, p. 769

**Accounts, burden of proving, S. 104, p. 1462**

- general result of, when and by whom, may be stated S. 65(g), pp. 1077, 1103
- meaning of, S. 34, p. 756
- movements in a customer's account can be proved by computer print-out, S. 16, p. 352
- partnership business, of burden of proof, S. 104, p. 1462
- recovery of balance of, S. 16, p. 352
- statements made in, in course of business by dead men, S. 32, pp. 683, 688

**Accused (See also, *Co-accused*)**

- accomplice is a competent witness, 1903
- affidavit whether, can swear, S. 118, p. 1969, S. 132, p. 2067
- antecedent and subsequent conduct of, when relevant, S. 8, pp. 181, 189
- burden of proof of exception, S. 105, p. 1515
- co-accused, when can an, give evidence against a, S. 118, p. 1969
- competency of, to testify, S. 118, p. 1969
- conduct of, relevancy, S. 8, p. 171
- confession by, as to certain articles, seized in an invalid search to be relevant in evidence, S. 29, p. 582
- confession by, effect of not warning before, S. 24, p. 481, S. 30, p. 587
- confession by, questioning and warning, S. 24, pp. 479, 481, 585

Accused *Contd.*

- confession by, relevancy of, to police or while in police custody, S. 25, p. 493 S. 26, p. 512
- confession by, S. 24, p. 412 (See also, *Confession*)
- confession of co-accused, S. 30, p. 587
- criminating questions to, when he is a witness for defence, S. 132, p. 2071
- criminating statement by, accounting to admission, S. 21, pp. 396, 397, 398
- custody of, S. 76, p. 1204
- declaration of intention and threat by, S. 8, p. 181
- defence, is a competent witness for, S. 118, p. 1969
- direction by court to, under S. 73 to give writing or finger impression on, or to expose parts of body, does not offend art, 20(3) Constitution, S. 73, p. 1170, 1174
- distinction when burden is on prosecution or, S. 106, p. 1540
- evidence of witnesses of one, whether admissible against co-accused, S. 118, p. 1970
- exception burden of proof when offence comes within, S. 105, pp. 1515, 1522
- identification of, precautionary measures, S. 9, p. 227
- impeaching credit of, when he is a defence witness, S. 155, p. 2274
- information received from, by police, how much may be proved, S. 27, pp. 521, 549, 556
- judgment, right to copy of, S. 76, p. 1204
- meaning of, person, S. 24, p. 429
- oath to, when, S. 118, p. 1969 App. 2362
- photograph of, identification on the basis of, S. 9, p. 227
- power of court to direct finger impression of, to be taken for comparison, S. 73, p. 1170
- preparations and previous attempts by, S. 8, pp. 181, 188
- presumption of innocence in favour of, S. 105, p. 1516
- refusal by, to participate in T.I. parade, S. 9, p. 226
- relevancy of incriminating letters, documents &c found in possession of, S. 8, p. 201
- right of, cross-examination of witness of co-accused, S. 138, p. 2182
- right of, cross-examination of witnesses called by court, S. 138, p. 2187 S. 165, p. 2327
- right of, police diaries, call for, S. 145, p. 2215 S. 160, p. 2304
- right of, recall and cross-examine witness for prosecution, S. 138, p. 2184
- right of, to get copies of other papers, S. 76, p. 1204
- running away and flight of, S. 8, p. 192
- statements by, made in the presence and hearing affecting conduct, S. 8, p. 199
- statements in the presence of, not contradicted, S. 8, p. 200
- statements of, made immediately after occurrence, S. 6, p. 162 S. 14, p. 325
- suppression and fabrication of evidence by, presumption from, S. 114, p. 1697
- Acknowledgment**, burden of proof of authority to make, S. 104, p. 1462
- debt of, by guardian, or manager, S. 18, p. 384
- debt of, to save limitation must be in writing, S. 91, p. 1291
- effect of, of legitimacy under mahomedan law, S. 50, p. 955 S. 112, p. 1621
- family, friends &c by as evidence of relationship, S. 50, p. 955
- legitimacy by,
- meaning of personal, in attestation, S. 68, p. 1133
- parentage of, S. 50, p. 955
- secondary evidence of, when admissible, S. 65, p. 1083
- Acquiescence**, estoppel arising from, S. 115, p. 1820
- silent, when amounts to admission, S. 8, p. 200
- Acquisition**, burden of proving self, S. 104, p. 1491, S. 114, p. 1711
- presumption as to, by Hindu widow, S. 114, p. 1716
- presumption as to self, or joint, S. 114, p. 1711
- Acquittal**, evidence of, judgments of courts of justice in other cases, when relevant, S. 40, p. 825
- fully establishes innocence, S. 5, p. 148
- subsequent trial, when bars, S. 40, p. 825
- Act**, accidental or intentional, S. 15, p. 337

**Act Contd.**

- complete Code, is intended to be a, S. 2, p. 34
- conspirator, of, relevancy, S. 10, p. 234
- evidence, not exhaustive, S. 2, p. 33
- international convention, giving effect to, Preamble, p. 18
- judicial notice of, S. 57 (2), p. 994
- parliament, of, how proved, S. 37, p. 806
- presumption of performance of judicial and official, S. 114 (e), p. 1659
- private and public distinguished, S. 57, p. 1003
- proof of, S. 78 (1), p. 1207
- relevancy of statement as to fact of public, nature in, S. 37, p. 806
- repeals all rules of evidence not contained in any Act or Regulation, S. 2, p. 33
- retrospective effect of, Preamble, p. 19
- rules of evidence saved by this, S. 2, p. 33
- short title, extent and commencement of, S. 1, p. 25
- words forming part of the same transaction and, S. 6, p. 159

**Act of Ownership**, evidence as to, when admissible, S. 13, p. 272, 276, S. 110, p. 1565

**Action**, estoppel as cause of, S. 115, p. 1914

**Active Confidence**, S. 111, p. 1581

meaning of, S. 111, p. 1587 (See, *Good Faith, Confidence*)

**Acts**, admissibility or inadmissibility of similar acts, S. 15, p. 343

**Administration**, grant of, conclusive proof of the representative title of the grantee, S. 41, pp. 826, 829

**Admiralty Courts**, judgement of, when and in what matters conclusive, S. 41, pp. 826, 832

relevancy of certain judgment, S. 41, p. 826

**Admissibility**,

acceptance of earlier statement, S. 17, p. 357

affidavit, statement made in, S. 17, p. 358

arguments on, S. 5, p. 91

communication "without prejudice", S. 17, p. 357

consent of waiver in matter of, S. 5, p. 97, S. 66, p. 1113

court to exclude inadmissible evidence even though no objection is made, S. 136, p. 2153, S. 162, p. 2310

duty of court in case of doubtful, S. 5, p. 91

effect of, S. 5, p. 91

English law as to, S. 5, p. 89

Evidence Act, under is the rule, exclusion exception, S. 5, p. 91

evidence illegally obtained, S. 5, p. 95

evidence of computer print-out of telephone calls, S. 60, p. 1049

evidence, of a contemporary statement accompanying a relevant act, S. 6, p. 163

general rule, S. 17, p. 356

identity when, "similar facts", relevancy of facts, S. 16, p. 349

precedent as to, of evidence, S. 5, p. 88

proper time to object to, S. 5, p. 91, S. 66, p. 1113

question of, to be decided by court, S. 2, p. 35

question of, to be decided by the judge, S. 136, p. 2152

questions as to, should be decided then and there, S. 5, p. 92, S. 136, p. 2152

relevancy and, S. 5, p. 86 (See, *Relevancy*)

tapping telephone, S. 5, p. 96

transaction depends on continuity of, S. 6, p. 165

waiver of objection as to, in criminal cases, S. 5, p. 97, S. 33, p. 736, S. 58, p. 1027

written statement, in, S. 17, p. 358

**Admission(s)**, definition, scope and meaning of, S. 17p. 356

a party having proprietary or pecuniary interest by, S. 18(I), p. 371

**Admission(s) Contd.**

- administrator, by, S. 18, p. 377
- admissibility of, grounds for, S. 17, p. 358
- agents, by in criminal cases, S. 18, p. 376
- agents, by, S. 18, p. 371
- agreement between parties by, S. 58, p. 1023
- 'at the hearing' or 'before hearing', S. 58, p. 1023
- attested document, execution by party to, of, S. 70, p. 1156
- attorney, statement in a care drawn up by, S. 18, p. 387
- authorised agents, by, S. 18, p. 373
- bigamy and divorce cases, S. 21, p. 400
- brother of party, by, S. 18, p. 377
- Companies Act, investigations, during Eng. Law, S. 17, p. 371
- civil cases, in not relevant when made on condition that evidence should not be given, S. 23, p. 408
- civil cases, in, S. 23, p. 408
- co-defendants or co-plaintiffs, by, S. 18, p. 378
- co-plaintiff, by, S. 18, p. 378
- community member, by, S. 18, p. 388
- compromise, made for, S. 23, p. 411
- concession on question of fact, S. 21, p. 398
- concession on question of law, S. 21, p. 398
- conclusiveness of, S. 17, p. 368
- conclusive proof, not, S. 31, p. 614, 616
- conclusive, not, but may estop, S. 31, p. 614
- conclusive, though not, shifts the onus, S. 31, p. 618
- conclusiveness of, S. 31, pp. 614, 616
- conduct, by, S. 31, p. 620
- conduct, when amounts to, S. 17, p. 361
- confession admitted earlier, discretion to exclude, S. 167, p. 2348
- confession by accused, as to certain articles seized under an invalid search, to be relevant in evidence, S. 29, p. 582
- confession distinguished, S. 17, p. 360, S. 24, p. 427
- confessions, mental condition of person confessing medical evidence to prevail, S. 25, p. 493
- constraint and duress made under, S. 17, p. 367
- contents of documents requiring registration, S. 58, p. 1026
- coroner, statement before, S. 18, p. 387
- counsel, by, S. 18, p. 385
- counsel, pleaders, &c, by, S. 18, p. 385
- creditors, by, S. 18, p. 384
- criminal cases, in, S. 58, p. 1027
- criminal cases, statement of agent in, S. 18, p. 376
- criminating statement by accused, S. 21, p. 397.
- customs authorities, before, S. 21, p. 399
- dead persons of in previous deposition, S. 33, p. 738
- defdt, by, in a previous suit and a similar statement by another in a deed, S. 11, p. 263
- defined, S. 17, p. 356
- different kinds of, S. 17, p. 360
- discovery of fact, leading to, S. 27, p. 549
- distinction between, S. 21 and S. 145, S. 21, p. 397
- divorce case, in, S. 21, p. 400 ; S. 58, p. 1027
- English law, S. 17, p. 360
- effect of, 'hearing before', S. 58, p. 1023
- effect of, 'hearing, at', S. 58, pp. 1023, 1026
- effect of, by pleader, of fact, S. 18, p. 385, S. 58, p. 1027
- effect of, execution by one of the executants, of, S. 70, p. 1161

Admission(s) *Contd.*

- effect of, pleader in criminal cases, by, S. 58, p. 1029  
 effect of, point of law, on, S. 17, p. 368  
 estoppels when may operate as, S. 17, p. 366, S. 31, pp. 614, 621  
 evidence, of, after close of prosecution case, S. 167, p. 2352  
 exception to hearsay rule, S. 17, p. 358  
 exceptions to the rule, S. 21, p. 402  
 execution of document of required by law to be attested when dispenses with proof of attestation, S. 70, p. 1158  
 execution of must be in the course of the suit itself, S. 70, p. 1160  
 executor, by, S. 18, p. 377  
 fact pleaded not specifically denied, S. 18, p. 375  
 facts admitted, need not be proved, S. 58, p. 1021  
 facts, of, by experts, S. 45, p. 932  
 finding of letters &c may amount to, S. 8, p. 201, S. 10, p. 245  
 formal way of making, S. 58, p. 1022  
 formal, S. 17, p. 357  
 general statement, S. 17, p. 365  
 govt, servant, by, S. 17, p. 367  
 guardian, by, S. 18, p. 384  
 hearing made at how recorded, S. 58, p. 1024  
 identity of drug, as to, S. 18, p. 371  
 inculpatory and exculpatory part of statement, S. 17, p. 361  
 infant not bound by agent's, S. 18, p. 375  
 informal, S. 17, p. 357  
 insolvents, by, S. 18, p. 384  
 interest, must be made during continuance of, S. 18, p. 381  
 joint contractors, by, S. 18, p. 382  
 judgement and decree, in, S. 35, p. 788  
 judicial during trial are, S. 58, p. 1022  
 judicial, are conclusive upon the party making them, S. 58, p. 1022  
 judicial, S. 17, p. 362  
 kinds of, S. 17, pp. 360, 369  
 landlords, by, S. 18, p. 385  
 law, on point of, S. 17, p. 357  
 legislature, answers in, S. 17, p. 366  
 letter containing-does not require stamp, S. 17, p. 369  
 mahant, by, S. 18, p. 377  
 maker may be proved on behalf of the, if relevant otherwise than as an, [S. 21(3)], pp. 394, 404  
 maker, may be proved against, S. 21, p. 397  
 maker, not evidence on behalf of the, S. 17, p. 357, S. 21, pp. 395, 401  
 manager of joint Hindu family, by, S. 18, p. 377  
 member of a community, by, S. 19, p. 388  
 next friend or guardian, by, S. 18, p. 384  
 non-traverse by, S. 31, p. 620, S. 58, p. 1030  
 oral and written, S. 17, p. 360  
 oral or documentary, S. 17, p. 356  
 oral, as to contents of document, S. 22, p. 405  
 oral, of contents of documents when relevant, S. 22, p. 405, S. 65, p. 1094  
 parties' representative, by, S. 17, p. 372  
 partners and joint-contractors, by, S. 18, p. 382  
 party interested, by, S. 18, p. 371  
 "party to proceedings", by, S. 18, p. 371  
 paternity, of, in proceeding under S. 125, Cr P Code is irrelevant, S. 112, p. 1620  
 person expressly referred to by party to suit, by, S. 20, p. 391  
 person making it, may be proved against, S. 17, p. 356

**Admission(s) Contd.**

- person other than accused convicted, admissible in evidence, relevant in other proceedings too, S. 30, p. 612
- person whose position must be proved as against party to suit, by, S. 19, p. 388
- persons expressly referred to, by, S. 20, p. 391
- persons from whom parties have derived interest, by, S. 18, p. 382
- persons jointly interested, by, S. 18, pp. 378, 382
- persons whose position it is necessary to prove against parties to suit, by, S. 19, p. 388
- persons whose. may be received, S. 18, p. 373
- plaint, in when defendant becomes a co-plaintiff, S. 18, p. 381
- plaint, made in, S. 17, p. 364
- pleaders, by, S. 18, p. 385
- pleadings and judicial admissions in, S. 58, p. 1031
- pleadings in prior litigation, S. 17, p. 363
- pleadings, made in, S. 17, p. 362, S. 58, pp. 1024, 1030
- police, to not amounting to confession, S. 17, p. 368, S. 25, pp. 506, 507, 514 (See, *Police*)
- previous, cannot be used against one without putting it to him, S. 21, p. 399
- principal and surety, by, S. 18, p. 387
- privies, by, S. 18, p. 382
- privilege continues, even after settlement, if negotiations are without prejudice, S. 23, p. 411
- proof against person making them, S. 21, pp. 394, 397
- prosecution witness, suggestion given by counsel to, S. 18, p. 387
- qualification, made with, S. 17, p. 365
- recital in will, S. 21, p. 401
- referees, by, S. 20, p. 392
- relevancy of facts, corroboration when necessary, S. 32, p. 639
- representative in interest, by, S. 21, p. 401
- silence acquiescence and conduct, by, S. 8, p. 200, S. 31, p. 620
- silence, when amounts to, S. 17, p. 361
- silent acquiescence when amounts to, S. 8, p. 200
- sleep, made in, S. 29, p. 583
- solicitor, by, S. 18, p. 368
- statement before plice, S. 21, p. 399
- statement by servant, S. 19, p. 390
- statement containing entries in account books and signed by defdtt, is relevant as, S. 17, p. 369
- statement made by defendant in another suit, S. 17, p. 369, S. 18, p. 374
- statements made in representative character, how far, S. 18, p. 376
- stranger to suit, by, S. 19, p. 388
- suggestion given by counsel to prosecution witness, S. 18, p. 387
- suitor in representative character, by, S. 18, p. 371
- surety, by, S. 18, p. 387
- test as to whether a statement is an, or confession, S. 25, p. 499
- title to land cannot pass by, S. 17, p. 371
- trial for purpose of, not generally receivable in other proceedings, S. 58, p. 1022
- untrue and mistaken, may be shown to be, S. 31, p. 619
- waiver of proof, S. 17, p. 360
- weight to be given to, S. 17, p. 366
- whole, must be taken together, S. 17, p. 361
- wife, by, S. 18, p. 387
- will of a living person, in, S. 18, p. 388
- "without prejudice", made, S. 23, p. 410
- Admitted Facts**, need not be proved, S. 58, p. 1021
- proof of, court may require, S. 58, p. 1021
- Adoption**, burden of proving, S. 104, p. 1488
- estoppel in cases of, S. 115, p. 1835

**Adoption Contd.**

statements by deceased person on questions of, S. 32, p. 719

**Adultery**, character evidence of, in, S. 54, p. 981

damages in, S. 13, p. 270

husband or wife evidence of, in, S. 112, p. 1623, S. 120, p. 1974

opinion evidence not sufficient, in prosecutions under Ss. 494, 495, 497 or 498, I P Code, S. 50, p. 950

prosecution for, marriage must be strictly proved, S. 50, p. 958

**Advancement**, no presumption of, S. 114, p. 1701

**Adverse Party**, cross-examination by, (See, *Cross-examination*)

cross-examination right and opportunity to, S. 33, p. 746, S. 138, p. 2169

right of, as to writings used to refresh memory, S. 161, p. 2306

**Adverse Possession**, burden of proof in cases of, S. 104, p. 1462

tenant's right to plead, S. 116, p. 1936

tenant's right to plead, of limited interest, S. 116, p. 1936

**"Adverse Witness"**, meaning of, S. 154, p. 2249

cross-examination of (See, *Hostile Witness*)

**Advocate**, (See also, *Counsel, Pleader, Vakil, Legal Adviser*)

admissions by, S. 18, p. 385

communications by, in violation of duty, S. 126, p. 2043

communications from third persons, to client or, for purpose of litigations, S. 129, p. 2049

communications to, must be in the course and for the purpose of employment, S. 126, p. 2032

communications to, must be confidential S. 126, p. 2034

communications to, must be distinguished from act, S. 126, p. 2034

communications to, "by or on behalf of his client", S. 126, p. 2036

communications to, employed by two parties, S. 126, p. 2038

communications to, for illegal purpose not protected, S. 126, p. 2040

confidential communications, no one compelled to disclose, S. 129, p. 2048

duration of privilege as to communications to S. 126, p. 2031

effect of admission by, on a point of law, S. 17, p. 368

instances of communications to, held to be privileged, S. 126, p. 2045

instances of communications to, held not to be privileged, S. 126, p. 2044

judicial notice of name of, S. 57 (12), p. 994

privilege against person having a joint interest, no, S. 126, p. 2038

privilege as to communications to, where does not exist, S. 126 2037

privilege as to communications to, not waived by volunteering evidence, S. 128, p. 2047

privilege where there is litigation between and client, S. 126, p. 2045

professional communication to, shall not be disclosed, S. 126, p. 2024

rule in S. 126 confined to, S. 126, p. 2030

**Affairs of State**, affidavit as to privilege is to be sworn by head of department or Minister or Secretary to Government, S. 123, p. 2012

determination of privileges as to, S. 123, p. 1990, 2001

discovery as to paper relating to, S. 123, p. 2011

discretion of head of department as to claim of privilege relating to, how to be exercised, S. 123, p. 2004, 2011

evidence of unpublished official records relating to, S. 123, p. 1990, 2005 (See, *State, Official Confidence*)

evidence as to, S. 123, p. 1990

grounds which of not justify objection to produce documents relating to, S. 123, p. 2004

Income Tax Act proceedings under whether relate to, S. 123, p. 2009

inspection of document as to, not permissible for determination of privilege, other evidence of document allowed, S. 123, p. 1990 S. 162, p. 2312

privilege as to, is a narrow one, S. 123, p. 1997

privilege established, verbal or secondary evidence of, not allowed, S. 123, p. 2010

**Affairs of State Contd.**

privilege how claimed, S. 123, p. 2011  
production of documents as to, and inspection by Court, S. 123, pp. 1990-96, S. 162, p. 2312  
summary of law as to the admissibility of documents relating to, S. 123, p. 2003  
"unpublished official records" relating to, what are, S. 123, p. 2005

**Affidavit**, Evidence Act does not apply to, S. 1, pp. 25, 29  
accused whether can swear, S. 118, pp. 1897, 1969  
admissible under S. 32, when, S. 32, p. 631  
admissions in, App. A, p. 2357  
cross-examination on, in Bankruptcy proceeding, S. 138, p. 2168  
dead persons of, S. 32, p. 631 App. A, p. 2358  
defective, App. A, p. 2358  
discovery and inspection in, App. A, p. 2359  
evidence by agreement, App. A, p. 2357  
evidence by order of Court, App. A, p. 2353  
evidence in other cases, App. A, p. 2358  
generally, *see* App. A, p. 2353 *et seq*  
information and belief upon, App. A, p. 2356  
interlocutory applications upon, App. A, p. 2354  
interrogatories in, answer to, App. A, p. 2359  
matters to which, shall be confined, S. 1, p. 29 App. A, p. 2355  
non-examination of deponent, S. 3, p. 49  
privilege, as to regarding affairs of State to be sworn by head of department, or Minister or Secretary to Government, S. 123, p. 2011  
wife by that he heard from his husband's grand-father that she was born in England is hearsay, S. 32, p. 631

**Affirmation (Sec, Oath)**

contract, an estoppel, S. 115, p. 1790

**Affirmative**, party who asserts, must prove it, S. 101, p. 1446

**Afraid**, witness, to testify, S. 118, p. 1969

**Afterwards**, evidence and its admission, after close of prosecution case, S. 167, p. 2352

**Age**, admission form, S. 35, p. 791

affidavit, S. 35, p. 792

birth register, entry in, S. 35, p. 778

certificate of guardianship, no evidence of minority, S. 35, p. 796

certificate of, by doctor is worthless, S. 45, p. 911

doctor's opinion about, S. 5, p. 117

handwriting, of, S. 45, p. 921

question of, is one of relationship, S. 32, pp. 722-23

recital of, in a guardianship application, S. 32, p. 716

school admission register, S. 35, p. 792

school record, S. 35, p. 791

statement of deceased persons as to, S. 32, p. 716

statement of, in deposition, S. 32, p. 716

statement of, in horoscope, S. 32, p. 719, 723

statement of, in will, S. 32, p. 722

statement of, top of deposition whether admissible at, S. 33, p. 738

statements of, in plaint, S. 32, p. 717

university certificate, S. 35, p. 791

value of medical opinion as to, S. 45, p. 900

**Agency**, admission, must be proved before reception of, S. 18, p. 376

once shown to exist is presumed to continue, S. 109, p. 1563

**Agent**, admission by, in civil cases, S. 18, p. 376

admission by, in criminal cases, S. 18, p. 376

**Agent Contd.**

- admission, by, S. 18, p. 371
- burden of proving good faith of the transaction when lies upon, S. 111, p. 1594
- conduct of, relevancy, S. 8, p. 171
- confidential communications by, to lawyers, S. 126, p. 2044
- estoppel against, S. 115, p. 1900, S. 117, p. 1951
- presumption of undue influence against, when arises, S. 111, p. 1590
- presumption under S. 90 as to authority of, to execute documents, S. 90, p. 1259
- principal and, relationship of, S. 109, p. 1562
- proof of authority of, or 'gomastha' to bind landlord, S. 106, p. 1535
- statement of an impliedly authorised to make admissions, S. 18, p. 376

**Agreement, estoppel by, 1717**

- oral
  - oral, evidence of, to vary written contract when excluded, S. 92, p. 1305
  - oral, evidence to show that there was no, at all, S. 92, p. 1324
  - oral, existence of separate, as to matter silent, S. 92, p. 1361
  - oral, rescission or modification of contract in writing, S. 92, p. 1380
  - oral, rescission or modification of registered contract, S. 92, p. 1381
  - oral, rule of exclusion of, is applicable only to parties, S. 92, p. 1319, S. 99, p. 1441
  - oral, strangers may give evidence of, varying document, S. 92, p. 1319
  - terms of, exclusion of, S. 92, p. 1305
  - third person, to abide by statement of a, S. 20, p. 391 App. B, p. 2365
  - varying terms of, who may give evidence of, S. 99, p. 1441

**Agriculture, compensation, burden of proof, presumption, S. 114, p. 1701****Alibi, burden of proof of, S. 104, p. 1464**

- evidence of, admissible to contradict a witness, S. 153 *illus (c)*, p. 2241
- relevancy of, S. 11, p. 254
- similar facts admissible to rebut, S. 9, p. 205

**Alienation, burden of proof of, by shebait, S. 104, p. 1489**

- burden of proof of, for legal necessity, S. 104, p. 1497
- Hindu widow, by burden of proof, S. 104, p. 1489
- manager or guardian, by burden of proof, S. 104, p. 1489

**Alive, burden of proving whether a man is dead or, (See, *Life, Death*)****Alluvion, burden of proof of, S. 104, p. 1464****Almanac, reference may be made to, S. 57, p. 1006****Alteration, amendment allowed in case of, S. 106, p. 1551**

- burden of proof of, S. 106, p. 1546
- document of, and existence of independent cause of action, S. 106, p. 1551
- document, of, when there is, S. 106, p. 1549
- immaterial, when, S. 106, p. 1549
- instruments, of, S. 106, p. 1543
- material, of instruments makes the whole deed void, S. 106, p. 1544
- material, when, S. 106, p. 1547
- negotiable instruments, in, S. 106, p. 1551
- pleaded, to be, S. 106, p. 1546
- whether suit lies on independent contract when there is, of document, S. 106, p. 1551

**Ambiguity, evidence admissible to clear up, latent, S. 95, p. 1420, S. 96, p. 1426**

- extrinsic evidence admissible, not, to clear up patent, S. 93, pp. 1406, 1410
- extrinsic evidence, cases in which held admissible, S. 93, p. 1414
- extrinsic evidence, cases in which held inadmissible, S. 93, p. 1413
- meaning of local expressions &c S. 98, p. 1438 (See, *Extrinsic Evidence*)
- patent and latent, S. 93, pp. 1412, S. 95, p. 1420

**Ambiguous document, exclusion of evidence to explain or amend, S. 93, p. 1405**

- Amount of damages**, facts tending to enable court to determine, S. 12, p. 268
- Amount of Evidence**, proof of a fact, required for, 1957 (See, *Weight, Appreciation*)
- Analyst**, certificate of public admissible, S. 45, p. 899 (See, *Chemical Examiner*)  
report of excise, of a Government distillery, S. 45, p. 899
- Ancient Documents**, corroboration of, S. 90, p. 1255  
disposing mind in, presumption as to, S. 90, p. 1253  
effect of proper custody, S. 90, p. 1255  
extent of presumption in respect of, S. 90, p. 1251  
great caution to be exercised when applying rule as to, S. 90, p. 1253  
lost, oral evidence of, S. 90, p. 1263  
marks in, presumption as to, S. 90, p. 1252  
mode of reckoning 30 years in, S. 90, p. 1249  
presumption as to consideration in, S. 90, p. 1263  
presumption as to executant's authority to grant or sign, no, S. 90, p. 1259  
presumption as to, is optional, S. 90, p. 1242  
presumption as to, S. 90, p. 1242  
presumption as to, whether, applies to copies, S. 90, p. 1260  
principle under lying, S. 90, p. 1245  
proof of proper custody of, S. 92, p. 1255  
proper custody, what is, S. 90, p. 1256  
rule as to, whether applies to wills, S. 90, p. 1252  
seals in, presumption as to, S. 90, p. 1252  
secondary evidence as to, relevancy of, S. 90, p. 1260  
stamps in, presumption as to, S. 90, p. 1252  
thirty years old document, presumption as to, S. 90, p. 1242  
twenty years old document, presumption as to (U.P. Amendment) S. 90, p. 1243  
unsigned or anonymous, no presumption as to, S. 90, p. 1249
- Ancient Possession**, proof of, S. 90, p. 1262
- Animal**, character of, S. 52, p. 963  
damage by, S. 14, p. 330
- Answer**, accused, by, to criminating questions when he is a defence witness, S. 132, p. 2071  
Ministers, given by, in legislature is admissible, S. 17, p. 366  
presumption from refusal to, question not compelled to answer by law, S. 114, p. 1698, S. 148,  
p. 2230  
witness not excused from giving, to questions on the ground that it will criminate, S. 132,  
p. 2059
- Ante Litem Motam**, declarations by dead persons as to public rights, pedigree &c must be,  
S. 32(4), (5), (6), pp. 622, 703, 709, 722
- Anthracene powder**, S. 45, p. 887
- Appeal**, burden of proving that the judgment is wrong in on appellant, S. 5, p. 115, S. 104, p. 1466  
confession in appellate court, S. 24, p. 490  
criminal cases, right or reply in, S. 135, p. 2143  
criminal cases, to Supreme Court, S. 167, p. 2349  
criminal, how differs from civil, S. 5, p. 115  
dismissal of, by consent, issue estoppel, S. 115, p. 1914  
estoppel when a party undertakes not to, S. 115, pp. 1800, 1887  
standpoint is whether the conviction is right, S. 5, p. 115
- Appellate Court**, additional evidence in, S. 167, p. 2343  
admissibility of document in, objection to, S. 5, pp. 91, 92  
admissibility of secondary evidence, objection to, S. 65, p. 1083  
confession in, S. 24, p. 490  
improper admission or reception of evidence and duty of, (See, *Improper Admission &c*)  
reception of unstamped or insufficiently stamped document cannot be questioned in, S. 167,  
p. 2344

- Applicability**, '*Res ipsa loquitur*', in criminal cases, S. 104, p. 1478
- Appointment**, public office, to may be proved by acting therein, S. 91, p. 1265, 1292
- Appreciation of evidence**, S. 5, pp. 99, S. 59, p. 1038  
 acquittal fully establishes innocence, S. 5, p. 148  
 appellant to show that judgement is wrong, S. 5, p. 115, S. 104, p. 1465  
 case not necessarily false if some evidence is untrue, S. 5, pp. 104, 108  
 concurrent findings of fact, S. 5, p. 121  
 demeanour, S. 5, p. 114  
*discrepancies*, S. 5, p. 109  
 faction cases, S. 5, p. 129  
*falsus in uno falsus in omnibus*, S. 5, p. 104  
 general principles as to, S. 5, p. 101  
 identification evidence, S. 5, p. 146, S. 9, p. 210  
 interested party as witness, S. 5, p. 130  
 number of witness, S. 5, p. 146, S. 134, p. 2126  
 opinion of trial judge should not be lightly disturbed on questions of fact, S. 5, p. 118  
 other cases, S. 5, p. 148  
 party as witness, S. 5, p. 129  
 personal knowledge of judge, S. 5, p. 148, S. 57, p. 1020, S. 167, p. 2351  
 probabilities, S. 5, p. 122, S. 59, p. 1034, 1038  
 reference to time and distance, S. 5, p. 146  
 relationship, S. 5, p. 123  
 status or riches of witness, S. 5, p. 142  
 trial court, opinion of, S. 5, p. 118
- Approver**, (See, *Accomplice*)
- Arbitrator**, admission before, S. 23, p. 412  
 burden of proof as to reference to, S. 104, p. 1466  
 court, not, S. 3, p. 37  
*ex parte*, not to receive evidence, S. 1, p. 30  
 examination of, as a witness, S. 121, p. 1976  
 natural justice, S. 1, p. 30  
 protection in S. 121, whether applies to, S. 121, p. 1976  
 refusal of, to examine witnesses, S. 1, p. 30  
 rules of the Act, do not apply to proceedings before, S. 1, pp. 25, 29
- Armorial Bearings**, admissible to prove pedigree, S. 32
- Armourer**, opinion of, S. 45, p. 888
- Army**, medical sheets privileged, S. 123, p. 2009  
 Army, regimental records privileged but admissible in civil cases, S. 123, p. 2009
- Army Act**, application of the rules of, S. 1, p. 25
- Army Lists**, admissible, S. 35, p. 791
- Arson**, admissibility of similar facts, in, S. 15, p. 343
- Art**, meaning of "science or art", S. 45, p. 868  
 opinions of experts on point of, S. 45, p. 860
- Articles of War**, judicial notice of, S. 57, pp. 993, 1003
- Assault**, conspiracy, in, S. 10, p. 234 (See, *Conspiracy*)  
 declaration at time of assault when admissible, S. 6, p. 159  
 indecent, unsworn testimony of a child, S. 118, p. 1956
- Assessment of damages**, facts relevant in, S. 12, p. 269
- Attempts**, (See, *Previous Attempt*)
- Attested, Attestation and Attesting**, admission of execution by party to attested document, S. 70, p. 1156  
 admission of execution dispenses with proof only against the party admitting, S. 70, p. 1157

**Attested, Attestation and Attesting Contd.**

- admission of execution only does not dispense with proof of, S. 70, p. 1158
- appellate court, objection to attestation in, S. 68, p. 1141
- attestation and execution, S. 68, p. 1127
- attestation by mark, S. 68, p. 1141
- attested document is not evidence for any collateral purpose unless strictly proved, S. 68, p. 1129
- attesting witness when need not be called, S. 68, p. 1136
- attesting witness when not found, S. 69, p. 1152
- attesting witness, who is, S. 68, p. 1132
- deed of gift, of, S. 68, p. 1142
- definition of, S. 68, p. 1132
- denial of execution by attesting witness, S. 71, p. 1161
- denial of, execution, other evidence of, is admissible, S. 71, p. 1161
- destruction of original, S. 68, p. 1126
- documents required by law to be attested, S. 68, p. 1128
- English law, change in, S. 68, p. 1125
- estoppel by attestation, S. 115, p. 1846
- exception to the rule requiring attesting witness, S. 68, p. 1125
- execution distinguished, S. 68, p. 1127
- instances of documents required by law to be attested, S. 68, p. 1128
- law as to production of attesting witness is imperative, S. 68, p. 1127
- loss of original, S. 68, p. 1126
- meaning of, S. 68, pp. 1131-32
- mode of proof of, document when witness not found, S. 69, p. 1152, 1153
- more than one, when necessary, S. 68, p. 1130
- mortgage bond, of, S. 68, p. 1135
- pardanashin* woman, documents by, of, S. 68, p. 1140
- party of deed, cannot attest, S. 68, p. 1151
- person who is present and sees execution is not an attesting witness, unless he signs in that capacity, S. 68, pp. 1134, 1147
- "personal acknowledgement" in attestation, meaning of, S. 68, p. 1133
- personal liability, whether document improperly, creates, S. 68, p. 1130
- pleading, attestation by rule of, S. 70, p. 1157
- presumption of attestation of ancient document, S. 68, p. 1149
- presumption of attestation, S. 68, p. 1141
- proof must be by one attesting witness at least, S. 68, p. 1122
- proof of attestation whether necessary when the original is not to be found, S. 68, p. 1126
- proof of document attested in England but not required to be attested in India, S. 69, p. 1156
- proof of document not required by law to be, S. 72, p. 1164
- proof of execution of document required by law to be, S. 68, pp. 1122, 1128
- registering officer if can be regarded an attesting witness?, S. 68, p. 1146
- requirements of attestation, S. 68, p. 1133
- scribe if can be an attesting witness? S. 68, p. 1147
- "seen the executant sign" in attestation, meaning of, S. 68, p. 1133
- "sign in the presence" in attestation, meaning of, S. 68, p. 1134
- signature of sub-registrar on admission of execution, attestation, S. 68, p. 1146
- "specific denial" of attestation in S. 68, what-is, S. 68, p. 1136
- unregistered mortgage bond, S. 68, p. 1130
- waiver, S. 68, p. 1129
- wills, of, S. 68, p. 1143

**Attesting witness**, denial of execution of document by, S. 71, p. 1161  
proof, when not found, S. 69, p. 1152

**Attorney**, admission by, S. 18, p. 387  
authentication of, S. 85, p. 1235

**Attorney Contd.**

- communications to clerks of, S. 126, p. 2044 (See, *Pleader, Legal Adviser*)
- communications to, when privileged (See, *Privileged Communication, Legal Adviser*)
- judicial notice of name of, S. 57 (12), p. 994
- power of, presumption as to, S. 85, p. 1233
- privilege of professional communication, S. 126, p. 2024
- professional communications, not bound to disclose, S. 126, p. 2024
- proof of power of, S. 85, p. 1235
- registration is not proof of execution of power of, S. 85, p. 1236

**Attornment**, meaning of, S. 116, p. 1938

- third party, to and estoppel of tenant, S. 116, p. 1938

**Auction Purchaser**, judgement-debtor, bound by the same rules of estoppel as, S. 115, p. 1909

**Authentication**, meaning of, S. 85, p. 1235

**Authenticity**, opinion of handwriting expert when advising both sides, S. 45, p. 874

**Author**, book of living, not admissible, S. 57, p. 1011

- opinion of experts and grounds of opinion may be proved by books of dead, S. 60, p. 1038

**Authority**, confession obtained by a person in, S. 24, p. 457

- adopt, to, is inadmissible without registration, S. 91, p. 1283
- mukhia, S. 24, p. 459
- person in, lambar, S. 24, p. 459
- person in, police patel, S. 24, p. 459
- person in, village magistrate, S. 24, p. 459
- persons in, coroner, S. 24, p. 460
- persons in, restricted meaning should not be given to, S. 24, p. 459
- persons in, who are, S. 24, p. 459
- sarpanch, S. 24, p. 459

**Automatism**, defence of, to rebut, relevancy of facts, S. 15, p. 348

**Award**, evidence of arbitrator as to, S. 21, p. 1976

- public document, not a, S. 74, p. 1200

**Bad Character**, exception to the rule that accused's is inadmissible in criminal cases, S. 54, p. 979

- fact in issue, when, S. 54, pp. 973, 976
- general reputation, evidence of, S. 54, p. 977
- previous conviction is relevant as evidence of, (See, *Character*) S. 54, pp. 976, 980
- previous, of accused irrelevant except in reply, S. 54, pp. 969, 973, 975
- relevancy of, S. 54, p. 976
- witness, of, S. 5, p. 141

**Bailee**, estoppel of, S. 117, p. 1946, S. 117, p. 1949

- estoppel has been defeated, may show that, S. 117, p. 1949

**Bailment**, burden of proof in, S. 104, p. 1467

- law as to, S. 117, p. 1946

**Ballistic expert**, expert opinion on, S. 45, p. 887

- firearm injuries, S. 45, p. 887

**Bank** defined, App. C, p. 2370

**Banker**, defined, App. C, p. 2370

**Bankers' Books**, admissibility of S. 34, p. 771

- certified copies of, S. 65, p. 1100 App. C, p. 2370
- Evidence Act, See, App. C, p. 2369, *et seq.*
- entries in, are *prima facie* evidence of contents, App. C, p. 2371
- inspection of, how obtainable, App. C, p. 2372
- meaning of 'bank', App. C, p. 2370
- microfilm can be used for proving banking transactions, App. C, p. 2370

- (13)
- Bankers' Books Contd.**  
mode of proof of entries in, App. C, p. 2371
- Banking transactions**, microfilm can be used for proving, App. C, p. 2370
- Bankrupt**, (See *Insolvent*)
- Barrister**, (See *Pleader, Professional Communications, Privileged Communication, Legal Adviser*)
- Basic or primary facts**, S. 3, p. 69
- Bastardy**, evidence of parents in cases of, S. 112, p. 1623, S. 120, p. 1974 (See, *Legitimacy*)  
proceedings are in the nature of civil proceedings, S. 120, p. 1973
- Batwara**, papers, maps &c relevancy of, S. 13, p. 304, S. 35, p. 795 (See, *Partition*)
- Benami Transaction**, admissibility of oral evidence when, is pleaded in contract between parties, S. 92, p. 1330  
benamdar, effect of lease executed in favour of, S. 116, p. 1939  
burden of proof of, S. 104, p. 1467  
estoppel arising out of, S. 115, p. 1862  
ostensible tenant, cases where he is benamdar, S. 116, p. 1939  
presumption in, S. 114, p. 1702  
principle of *pari delicto*, in, S. 115, p. 1864  
tenant's right to question benami title of landlord, S. 116, p. 1939
- Bengal Land Regn, Act**, effect of entry under, S. 35, p. 794  
order under, declaring out of possession, S. 110, p. 1570
- Bengal Tenancy Act**, effect of, S. 60, S. 116, p. 1941  
nature of evidence to prove usage of transferability of occupancy holding, S. 13, p. 297  
presumptions under the, S. 114, p. 1728  
relation of landlord and tenant how established under, S. 116, p. 1942
- Best Evidence**, rule as to, S. 91, p. 1269
- Bias**, impeaching impartiality of a witness by questions relating to, S. 146, p. 2227
- Bible**, entry in family admissible in pedigree cases, S. 32, p. 722
- Bill of Exchange**, acceptor of, may show that the signature of drawer is a forgery, S. 117, pp. 1946-47  
alteration in, S. 106, p. 1551 (See, *Alteration*)  
estoppel of acceptor of, S. 117, p. 1946  
oral evidence in the case of, S. 92, p. 1374, 1395  
presumption of good consideration in, S. 114 *illus (c)*, p. 1655 (See, *Negotiable Instrument*)
- Bills of lading**, relevancy of entry in, S. 35, p. 772
- Birth**, copy of entry in Register of, S. 35, p. 780  
entry of, in family books, S. 32, p. 717 (See, *Age, Legitimacy*)  
legitimacy, during marriage conclusive proof of, S. 112, p. 1603 (See, *Legitimacy, Marriage*)  
marriage, during, conclusive proof of legitimacy, S. 112, p. 1603  
oral evidence may be proved by apart from register, S. 91, p. 1302  
statement in plaint as to date of, S. 32, p. 717  
statement of deceased persons on the question of, S. 32, p. 716
- Black-Mail**, similar acts admissible to prove intent, S. 15, p. 344
- Blank**, admissibility of extrinsic evidence to ill in, in document, S. 93, pp. 1405, 1411  
documents, in, S. 96, p. 1427
- Blood grouping test**, admissibility of, S. 45, p. 890  
disputed paternity, S. 45, p. 889  
paternity, ascertainment of, S. 112, p. 1608
- Blood-Relation**, meaning of, S. 32, p. 709
- Bodily feeling**, relevancy of facts showing existence of, S. 14, p. 309

NOTE : Pages 1 to 1444 relate to Vol. I and Pages 1445 to 2380 relate to Vol. II.

- Body or Bodily Feeling**, admissibility of admission as to the existence of state of, relevant to the issue on behalf of maker, S. 21, pp. 394, 404  
 direction by the Court to expose parts of, does not offend Art. 20(3) of Constitution, S. 73, p. 1171  
 facts showing existence of state of, S. 14, p. 309  
 relevancy of state of, S. 14, p. 333
- Bond**, burden of proof of execution of, S. 104, p. 1469  
 burden of proof of, when receipt of consideration admitted before registering officer, S. 104, p. 1469  
 burden where execution of, admitted but consideration denied, S. 104, p. 1469  
 estoppel by attestation of, S. 115, p. 1846  
 parol evidence of incorrectness of recital as to consideration in, S. 92, p. 1354  
 parol evidence of want of failure of consideration in, S. 92, p. 1353  
 presumption of payment when, is with obligor, S. 104, p. 1470  
 proof of consideration of, S. 104, p. 1472  
 recital as to consideration in a, not conclusive, S. 92, p. 1353  
 stipulation that all payments should be endorsed on, does not operate as estoppel, S. 115, p. 1840  
 strangers not estopped by incorrect recitals in, S. 115, p. 1845  
 suit upon lost, S. 104, p. 1470
- Books, letters, &c.**, explanatory of relevant facts, S. 9, p. 206  
 admissibility of statements in, of *pandas*, priests, heralds, &c., in proof of relationship, S. 32, pp. 717, 723  
 bill of lading, S. 34, p. 772  
 cannongo papers, S. 34, p. 771  
 chittas, S. 34, p. 771  
 degree of credit to be given to, S. 34, p. 769  
 factory books, S. 34, p. 771  
 hospital record, S. 34, p. 771  
 jumabundi papers, S. 34, p. 770  
 matters of history, on literature, science or art, may be referred to, S. 57, p. 1008  
 overseas police record, S. 34, p. 771  
 presumption as to, S. 87, p. 1238  
 proof of custom, S. 13, p. 293, S. 57, p. 1013  
 reference to, by experts when author is dead, S. 60, p. 1051  
 reference to, in the questions of testamentary capacity, local custom, common knowledge, &c. S. 57, p. 1013  
 reference, of resort by court to, S. 57, p. 1009  
 relevancy of statements as to any law contained in, S. 38, p. 809  
 reports of rulings in, may be referred to, S. 38, p. 809  
 resorted to, by Indian courts, S. 57, p. 1011  
 scientific use of, by Court, S. 57, p. 1008  
 unauthorised reports, S. 38, p. 809  
 unreported cases, S. 38, p. 809
- Books of Account**, American and French Law, S. 34, p. 757  
 absence of entries, S. 34, p. 768  
 absence of entries in, when relevant, S. 9, p. 206, S. 11, p. 263  
 defined, S. 34, p. 757  
 entries in, are corroborative evidence only, S. 34, pp. 758, 766  
 entries in, are independent evidence under S. 32(2), S. 34, p. 760  
 entries in, when relevant, S. 34, p. 755  
 form of books, S. 34, p. 761  
 honest appearance of, S. 34, p. 765  
 meaning of, S. 34, p. 757  
 mode of proof of, S. 34, p. 764

**Books of Account Contd.**

- nature of entry, S. 34, p. 766
- person calling, bound by entries, S. 34, p. 768 (See, *Accounts Books, Entries*)
- presumption, rebuttal of, S. 34, p. 768
- regularly kept in the course of business, must be, S. 34, p. 762 (See, *Course of Business*)
- statement in, alone not sufficient, to charge with liability, S. 34, pp. 761, 766
- stock register, entries in, S. 34, p. 757
- time of making entries (contemporaneousness), S. 34, p. 763
- various kinds of, S. 34, p. 769

**Bought and Sold Notes**, meaning of, S. 91, p. 1294

- Oral evidence in case of, S. 91, p. 1295
- primary evidence, what is, when the contract is made by ?, S. 91, p. 1294

**Boundary**, area or, which to prevail? S. 97, p. 1432

- burden of proof in, dispute, S. 104, p. 1470
- lakheraj* and *mal* land, between, S. 104, p. 1508
- statements as to, in documents between third parties, S. 13, p. 308, S. 32, p. 701

**Breach of confidence**, 'newspaper rule' is confined to libel actions and not to, S. 132, p. 2062  
witnesses, and privilege, against self-incrimination, S. 132, p. 2062

**Breach of Contract**, facts relevant in assessing damages for, S. 12, p. 269 (See, *Contract*)

**Breach of Promise of Marriage**, in actions for, character relevant, S. 52, pp. 964, 983

**Breach of trust**, evidence of similar acts, S. 15, p. 345

**Bribe**, conviction in cases of, without corroboration is not illegal, S. 133, p. 2096

- corroboration in cases of, S. 133, p. 2096
- credit of witness may be impeached by showing that he has accepted, S. 155 (2), pp. 2260, 2266
- evidence that accused took, on previous occasions not admissible, S. 14, p. 323
- person giving, whether accomplice, S. 133, pp. 2085, 86, 2095
- presence of a person on the occasion of giving, does not make him an accomplice, S. 133, p. 2087

**Bride burning**, dying declaration of deceased, caution, S. 32 (1), p. 672

**Brokers**, bought and sold, notes of, S. 91, p. 1294

- custom in gunny, hessian market, S. 92, p. 1395
- usage of, to annex incidents to contract, S. 92 proviso (5), p. 1391

**Bullet marks**, opinion of expert on, S. 45, p. 887

**Burden of proof**, accident and loss of life various cases in, damages for, S. 104, p. 1461

- account cases, various cases in, S. 104, p. 1462
- admissibility of certificate under S. 60 Registration Act and other Acts, S. 80, p. 1215
- adoption cases, various cases in, S. 104, p. 1463
- adverse possession and limitation, various cases in, S. 104, p. 1463
- agency, various cases in, S. 104, p. 1464
- agent and principal relationship of, S. 109, p. 1562
- alibi, S. 103, p. 1452
- alienation by Hindu widow, various cases in, S. 104, p. 1490
- alienation by manager, shebait, &c., various cases in, S. 104, p. 1489
- alluvion and diluvion, various cases in, S. 104, p. 1464
- appointment and promotion, various cases in, S. 104, p. 1466
- arbitration, various cases in, S. 104, p. 1467
- attachments, various cases in, S. 104, p. 1466
- bad faith, S. 111, p. 1583
- bad faith, agent and principal, cases between, S. 111, p. 1594
- bad faith, guardian and ward, cases between, S. 111, p. 1594
- bad faith, husband and wife, cases between, S. 111, p. 1595
- bad faith, lawyer and client, cases between, S. 111, p. 1592
- bad faith, *purda* women, dealings with, S. 111, p. 1595

**Burden of proof Contd.**

- bad faith, spiritual adviser and disciple, cases of, S. 111, p. 1595
- bad faith, undue influence against a person in position of active confidence, S. 111, pp. 1588, 1590
- bad, irrelevant, in criminal cases, S. 53, p. 967
- benami* transactions, various cases in, S. 104, p. 1467
- bond cases, various cases in, S. 104, p. 1469
- boundary disputes, various cases in, S. 104, p. 1470
- C., p. Code, cases under, various cases in, S. 104, p. 1471
- carrier, various cases in, S. 104, p. 1471
- civil cases, in, when relevant, S. 52, p. 962
- civil doctrine '*res ipsa loquitur*', not applicable in criminal cases, S. 104, p. 1478
- claim cases, various cases in, S. 104, p. 1471
- confession, voluntary nature of, S. 24, p. 444
- consideration, various cases in, S. 104, pp. 1469, 1472
- continuance of relationship, as to, S. 109, p. 1563
- contract cases, various cases in, S. 104, p. 1473
- contribution cases, various cases in, S. 104, p. 1474
- conversion, various cases in, S. 104, p. 1490
- criminal cases, relevancy of previous good, in, S. 53, p. 967
- criminal cases, various cases in, S. 104, p. 1474
- damages—other cases, various cases in, S. 104, p. 1479
- damages for defamation, various cases in, S. 104, p. 1479
- damages for malicious prosecution, various cases in, S. 104, p. 1479
- death of person known to have been alive within 30 years, S. 107, p. 1552
- debtor and creditor, between, various cases in, S. 104, p. 1479
- declaration of title, various cases in, S. 104, p. 1480
- domicile, various cases in, S. 104, p. 1481
- easement, various cases in, S. 104, p. 1481
- ejectment, various cases in, S. 104, p. 1481
- election cases, various cases in, S. 104, p. 1484
- employer and employee, various cases in, S. 104, p. 1484
- enhancement of rent, various cases in, S. 104, p. 1484
- estoppel, various cases in, S. 104, p. 1485
- exception in IPC, S. 105, p. 1515
- exceptions to the rule that, is irrelevant unless it is in issue, S. 52, p. 963
- execution of document when admitted, various cases in, S. 104, p. 1469
- execution of document, various cases in, S. 104, p. 1484
- fact especially within knowledge, S. 106, p. 1530
- facts to be proved to make evidence admissible, S. 104, p. 1454
- fraud, actions for, S. 52, p. 966
- fraud, various cases in, S. 104, p. 1486
- general principles, regulating, S. 104, p. 1456
- good faith between persons standing in fiduciary relation, S. 111, pp. 1581-82
- good faith, S. 111, p. 1581
- guardian and ward, between, various cases in, S. 104, p. 1488
- guilty intention, various cases in, S. 104, p. 1477, S. 106, p. 1540, S. 114, p. 1718
- Insurance, various cases in, S. 104, p. 1495
- immaterial, when becomes, S. 104, p. 1460
- income-tax cases, various cases in, S. 104, p. 1493
- industrial disputes, various cases in, S. 104, p. 1494
- insanity, various cases in, S. 104, p. 1494, S. 105, p. 1527
- irrelevant in civil cases to prove conduct imputed, S. 52, p. 962
- joint family, various cases in, S. 104, p. 1491
- jurisdiction, various cases in, S. 104, p. 1495
- lakheraj* and rent-free land, various cases in, S. 104, p. 1508

**Burden of proof** *Contd.*

- land acquisition cases, various cases in, S. 104, p. 1496
- land grabbing, various cases in, S. 104, p. 1497
- landlord and tenant, in cases between, various cases in, S. 104, p. 1496
- landlord and tenant, relationship of, S. 109, p. 1562
- legitimacy, of, S. 112, p. 1603
- legitimacy, of, under Hindu and Mahomedan law, S. 112, p. 1621
- legitimacy, various cases in, S. 104, p. 1496
- limitation and adverse possession, various cases in, S. 104, pp. 1463, 1497
- mala fide*, various cases in, S. 104, p. 1498
- marriage, various cases in, S. 104, p. 1498
- matter, when, does or does not determine, S. 104, p. 1460
- material impairment, various cases in, S. 104, p. 1499
- meaning of, S. 102, p. 1450
- meaning of, in S. 105 of Act, S. 105, p. 1515
- mesne profits, various cases in, S. 104, p. 1499
- minority, plea of, various cases in, S. 104, p. 1500
- misrepresentation, various cases in, S. 104, p. 1500
- mortgage cases, various cases in, S. 104, p. 1500
- negligence, various cases in, S. 104, p. 150
- non-service of notices, various cases in, S. 104, p. 1502
- onus probandi*, and, S. 102, p. 1449
- ownership when a person is in possession, as to, S. 110, p. 1565
- pardanashin* women, various cases in, S. 104, p. 1503
- particular facts, as to, S. 103, p. 1452
- partition, various cases in, S. 104, p. 1503
- partners, relationship in the case of, S. 109, p. 1562
- party who asserts affirmative, S. 101, pp. 1445-46
- paternity of child in case of pre-nuptial pregnancy, various cases in, S. 104, p. 1497
- person not heard for 7 years, S. 108, p. 1552
- person who would fail if no evidence is given on either side, lies on, S. 102, p. 1448
- possession, various cases in, S. 104, p. 1503
- pre-emption, various cases in, S. 104, p. 1505
- presumption as to abetment of, suicide, by married woman, S. 113-B, p. 1630
- presumption of title from possession, S. 110, p. 1567
- prevention of corruption act, various cases in, S. 104, p. 1505
- prevention of food adulteration cases, various cases in, S. 104, p. 1505
- preventive detention, various cases in, S. 104, p. 1505
- railway cases, various cases in, S. 104, p. 1505
- re-existence of facts, S. 101, p. 1415
- recital in bonds and deeds, in respect of, various cases in, S. 104, pp. 1469, 1507, S. 115, p. 1844
- relationship in cases of partners, & c., as to S. 109, p. 1562
- resumption and assessment, various cases in, S. 104, p. 1509
- self-acquisition, various cases in, S. 104, p. 1491
- set aside or enforce deeds, various cases in, S. 104, p. 1480
- shifting of, S. 102, pp. 1451-52
- state of things once shown to exist, as to, S. 109, p. 1563
- stoppage in *transitu*, various cases in, S. 104, p. 1510
- stridhan*, various cases in, S. 104, p. 1492
- sub-tenancy, S. 104, p. 1510
- tenant and landlord relationship of, S. 109, p. 1562
- territory, as to cession of, S. 113, p. 1626
- test of onus in the case of shifting, S. 102, p. 1452
- testamentary capacity, S. 104, p. 1512
- undue influence, of, S. 104, p. 1511
- waiver, various cases in, S. 104, p. 1511
- will cases, various cases in, S. 104, p. 1512

- Burglary**, evidence of similar Acts, S. 15, p. 345
- Business**, common course of, things done in, S. 16, p. 349, S. 114, p. 1674  
 course of, S. 16, pp. 349  
 entries in books kept in the course of, S. 34, p. 755  
 existence of course of, S. 16, pp. 349-52  
 presumption as to letters sent by post in common course of, S. 16, p. 352, S. 114, p. 1672  
 presumption from common course of, S. 16, p. 349, S. 114, p. 1674 (See, *Course of Business*)  
 statement made in the course of, S. 32 (2), p. 621
- Buyers representation**, estoppel whether, when he does not exercise his right, S. 115, p. 1789
- Bystanders**, admissibility of statements of, S. 6, p. 158  
 statement made by, when relevant S. 6, *illus.*, (a), pp. 154, 164  
 statements of, must be made during the continuity of transaction, S. 6, p. 165
- Calendar**, admissibility of, S. 35, p. 591, S. 57, p. 1006
- Cannongo papers**, admissibility, S. 34, p. 771
- Caricature**, document, is, S. 3, p. 37
- Cartridge paper**, water mark on, S. 45, p. 897
- Cause**, facts which are, of, relevant facts, S. 7, p. 169  
 theory of causation as test of relevancy, S. 5, p. 86
- Cause of action**, estoppel, S. 115, p. 1914
- Census Register**, public document, is not a, S. 74, p. 1201
- Certificate**, age of patient, of, not public record, S. 35, p. 796  
 Board of Trade, of, not public document, S. 74, p. 1201  
 confession without, of magistrate, S. 24, pp. 479, 486  
 guardianship, of, is not evidence of minority, S. 35, p. 796  
 medical man, of, not evidence, S. 35, p. 791  
 of magistrate recording confession, S. 35, p. 793, S. 80, p. 1217  
 sale, of, whether public document, S. 35, p. 796, S. 74, p. 1200  
 school, of, S. 35, p. 791  
 school leaving, S. 35, p. 791
- Certified Copies**, meaning of, S. 63, p. 1065, S. 76, p. 1203  
 civil court record, of, S. 76, p. 1204  
 criminal court record, of, S. 76, p. 1204  
 difference between examined and, public documents can be proved only by, S. 65(e)(f),  
 pp. 1077, 1100  
 except public documents, other documents must not be proved by, S. 64, p. 1073  
 foreign judicial record, of, S. 86, p. 1236  
 identity of person to be proved before admission of, of deposition, S. 33, p. 737  
 inspection, to be given to person entitled to S. 74, p. 1189, S. 76, p. 1203  
 plaint, of, written statements, &c., if public document, S. 74, p. 1196 (See, *Copies*)  
 presumption as to genuineness of, S. 79, p. 1273  
 proof by, S. 63, p. 1065, S. 76, p. 1203  
 proof of document by, S. 77, p. 1205  
 public document, of, S. 76, p. 1203  
 right of an accused to get, free of charge, S. 76, p. 1204
- Cess Act, 1880**—relevancy of returns under, S. 13, p. 305, S. 21, p. 403
- Cession of Territory**, proof of, S. 113, p. 1626
- Cestui Que Trust**, (See, *Trustee*)
- Chakran Land**, register of, is public document, S. 74, p. 1198
- Chance witness**, S. 5, p. 143
- Character**, accused, of, S. 52, p. 963  
 actions for fraud, S. 52, p. 965

**Character** *Contd.*

- animals, of, S. 52, p. 963
- confidential police record, looking into, S. 54, p. 970
- criminal cases, in, S. 104, p. 1474 S. 106, p. 1540
- criminal cases, in, when relevant, S. 53, p. 967
- cross-examination as to previous conviction, S. 54, p. 978
- cross-examination of witness as to, S. 55, p. 982
- damages, affecting, S. 55, p. 982
- defamation, act for, S. 55, p. 984
- defamation, good faith in, S. 105, p. 1526
- defined, S. 55 Expln., p. 982
- evidence of bad, becomes admissible to rebut evidence of good character, S. 54, p. 971
- evidence of good, in aggravation of damages, S. 55, p. 985
- evidence of reputation should be general, S. 55, p. 989
- evidence of, in defamation, seduction, breach of promise of marriage, &c., S. 12, p. 269, S. 50, p. 951
- evidence of, may be given for testimonial impeachment, S. 146, p. 2226
- exception to the rule that evidence of bad, is inadmissible in criminal cases, S. 54, p. 979
- exceptions, when accused pleads that his case falls within, S. 105, pp. 1515, 1522
- general bad, of prosecutrix, S. 54, p. 971
- kinds of, S. 54, p. 972
- meaning of, S. 52, p. 966
- misconduct, cases of, S. 52, p. 965
- previous bad, irrelevant except in reply, S. 54, p. 969
- previous conviction is relevant as evidence of, S. 54, p. 981 (See, *Previous Conviction*)
- previous conviction, cross-examination as to, S. 54, p. 978
- probative value, S. 52, p. 965
- prosecutor, of, if relevant, S. 54, p. 981
- prosecutrix, of, S. 52, p. 963
- question in cross-examination to shake credit by injuring, 2050 (See, *Credit*)
- questioning of prosecution witnesses, when relevant, S. 54, p. 973
- rape, & c., in prosecutions for, evidence may be given that prosecutrix was of generally immoral character, S. 155 (4), pp. 2260, 2271
- rebuttal of evidence of good, S. 54, p. 971
- relevancy of bad, when bad character is itself a fact in issue, S. 54, p. 976
- relevancy, of prosecutrix S. 155, p. 2273
- reputation and disposition, included, S. 55 Expln., p. 982 (See, *Reputation*)
- reputation should be distinguished from rumour or hearsay, S. 55, p. 991
- reputation, included, S. 55, pp. 982, 985
- reputation, opinion of, S. 54, p. 976
- scope of, evidence, S. 52, p. 962
- state of mind, affecting, S. 52, p. 964
- state of mind, as affecting, S. 52, p. 964
- value of general evidence of good, in criminal cases, S. 53, p. 968
- witness, of, S. 52, p. 963
- witnesses to, may be cross-examined, S. 140, p. 2197
- Charge**, accused entitled to copy of, S. 76, p. 1204
- conviction subsequent to time specified in, S. 14, p. 335
- judge's duty in charging jury in case of accomplice evidence, S. 133, pp. 2119, 2123
- Charitable foundation**, opinion as to constitution of, S. 49, p. 996
- Chart**, presumption as to, S. 87, p. 1238
- relevancy of statements in published, S. 36, p. 797
- Cheating**, evidence of, on other occasions, S. 8, p. 192, S. 14, p. 323, S. 15, p. 346
- relevancy of subsequent conduct in, S. 8, p. 192

- Chemical Examiner**, report of, S. 899, p. 899
- Child**, competency of a, of tender years to testify, S. 118, p. 1960  
 judge to decide as to competency of a, to testify, S. 118, p. 1960 (See, *infant*)  
 witness, unsworn testimony of, S. 118, p. 1956
- Child witness**, competency of a, mode of ascertaining, S. 118, p. 1960  
 corroboration, S. 118, p. 1959  
 tutoring in, for evidence, S. 118, p. 1960  
 value of evidence, S. 118, p. 1957
- Child-Bearing**, presumption as to, age, S. 114, p. 1702
- Children's welfare**, hearsay rule not to apply to any evidence given in connection with, S. 60, p. 1053
- Chitta**, admissibility of, as public documents, S. 74, pp. 1194, 1200  
 admissibility of, S. 34, pp. 771, 786, 795, 805  
 distributing revenue for, is public document, S. 74, p. 1200  
 not a public document, S. 74, p. 1200  
 partition, relating to, S. 74, p. 1200  
 private use, prepared by Government for, S. 35, p. 805, S. 83, p. 1231  
 relevancy of, S. 13, p. 304
- Cipher Code**—what it is, evidence of, S. 10, p. 252
- Circumstances**, similar surrounding relevancy of facts, S. 15, p. 343
- Circumstantial Evidence**, absconding S. 3, p. 69  
 absence of explanation, S. 3, p. 71  
 absence of missing link, effect, S. 3, p. 67  
 basic facts, S. 3, p. 69  
 chain of evidence should be complete, S. 3, p. 67  
 conclusive of presumptive, S. 6, p. 62  
 conjectures and surmises, S. 3, p. 70  
 crime article, recovery of, S. 3, p. 69  
 direct evidence and, S. 3p. 63  
 direct, is also, S. 60, p. 1040  
 emotional considerations to be avoided, S. 3, p. 65  
 explanation, absence of, S. 3, p. 71  
 explanation, false, S. 3, p. 71  
 factum probandum, S. 3, p. 62  
 false explanation, S. 3, p. 71  
 inference of guilt, S., p. 66  
 meaning of, S. 3, pp. 62, 63  
 motive, S. 3, p. 68, S. 8, p. 186  
 past seen together, evidence of, S. 3, p. 68  
 primary facts, S. 8, p. 69  
 probability, S. 3, p. 71  
 rape, proof of, S. 8, p. 64  
 S. 60 does not exclude, S. 60, p. 1040  
 tests, S. 3, p. 63  
 two views, possibility of, S. 3, p. 70  
 value of, S. 3, p. 61
- Civil Cases**, admission in, S. 23, p. 408  
 character, relevancy of, S. 52, p. 962  
 character evidence, S. 52, p. 962  
 damages, character affecting, relevancy, S. 52, p. 963  
 rules of evidence in, S. 3, p. 58
- Civil Court records**, S. 76, p. 1204
- Civil, p. Code**, burden of proof in cases under, S. 104, p. 1471  
 rules in, and S. 5 (*Explanation*) Evidence Act, S. 5, p. 83

- Civil parties**, disclosure to, of criminal evidence, S. 5, p. 97
- Claim cases**, burden of proof in, S. 104, p. 1471
- "Claimed"**, meaning of, S. 13, p. 277
- Clerk**, privilege of legal adviser's, S. 126, p. 2045
- Client**, confidential communications with legal advisers, not compelled to disclose, S. 128, p. 2047  
privilege of, S. 126, p. 2046
- Close of case**, of prosecution, admission afterwards of evidence, S. 167, p. 2352
- Co-accused**, (See, *Accused*)  
accomplice evidence and confession of, S. 30, p. 612  
competent witness, when is, S. 118, p. 1969  
confession of, affecting himself and some other, S. 30, p. 587  
confession of, and testimony of accomplice, S. 30, p. 610  
confession of, death after confession, S. 30, p. 602  
confession of, if admissible for corroboration of accomplice evidence, S. 133, p. 2109  
confession of, is not evidence, S. 30, p. 606  
confession of, made before or during trial, S. 30, p. 596  
confession of, may be taken into consideration, S. 30, p. 587  
confession of, must be corroborated, S. 30, p. 609  
confession of, must implicate himself substantially to the same extent as others, S. 30, p. 592  
confession of, substantive evidence, cannot be used as, S. 30, p. 607  
confession of, summary of law, S. 30, p. 595  
confession of, to be duly proved, S. 30, p. 597  
confession of, under S. 110 CPC, S. 30, p. 603  
confession of, under TADA, S. 30, p. 604  
confession of, weak type of evidence, S. 30, p. 603  
confessional statement under S. 27, S. 30, p. 596  
cross-examination of witness of, 2010  
evidence of witness of one accused whether admissible against, S. 118, p. 1969  
extent and nature of corroboration of confession of, S. 30, pp. 610-11 (See, *Confession*)  
FIR by accused not amount to confession, S. 30, p. 604  
joint trial, S. 30, p. 598  
meaning of "confession" of, S. 30, p. 595  
proceeding under S. 110. confession in, S. 30, p. 603  
proceeding under S. 340 CrpC, S. 30, p. 604  
retracted confession of, S. 30, pp. 603, 609  
statement under customs Act, S. 30, p. 606
- Co-defendant**, effect of admission by, S. 18, p. 378  
*res judicata* between, S. 40, p. 823  
right of one, to cross-examine another, S. 138, p. 2182  
right to cross-examine a, or his witness, S. 138, p. 2182
- Co-habitation**, long, raises presumption of marriage, S. 114, p. 1723
- Code**, objects of, p. 2
- Code words**, S. 45, p. 890
- Coin**, evidence of possession of counterfeit, S. 14, p. 329, S. 15, p. 345  
making of counterfeit, at the direction of police is not a 'statement', S. 25, p. 511
- Collateral**, admissibility of, facts bearing upon opinion of experts on science, &c., S. 47, p. 934  
admissibility of, facts to prove inconsistency, probability or improbability, S. 11, p. 257  
admissibility of, facts to prove knowledge, intent, good faith, S. 14, p. 325  
admissibility of inadmissible documents for, purpose, S. 91, p. 1285  
extrinsic evidence of independent, fact explanatory of document, S. 92, p. 1367  
facts not generally admissible, S. 5, p. 85  
oral evidence when document is, S. 91, pp. 1267, 1298, S. 92, p. 1318  
S. 92 does not apply to, documents or to independent collateral facts, S. 92, p. 1318

**Collateral Contd.**

statement of, facts in declarations by deceased persons against interest, S. 32, p. 695  
 statement of, facts in entries by deceased person in the course of business, S. 32, pp. 688, 695

**Collection Papers**, corroborative evidence, are, S. 34, pp. 758, 766

independent evidence when writer is dead, are, S. 34, p. 760  
 value and admissibility of, S. 34, p. 770

**Collector**, chittas prepared by, S. 35, p. 786

measurement papers prepared by, S. 35, p. 782  
 registers of records kept by, S. 35, p. 778

**College books**, admissibility of, S. 35, p. 791**College Records**, admissible to prove age, S. 35, p. 791**Collusion**, definition of, S. 44, p. 859

conspiracy of silence distinguished, S. 44, p. 860  
 fraud and, distinction between, S. 44, p. 860  
 instances of, S. 44, p. 860  
 judgement obtained by, effect of, S. 44, p. 848  
 kinds of, S. 44, p. 860  
 procedure for setting aside collusive decree, S. 44, p. 857 (See, *Fraud*)

**Collusive decree**, setting aside of, S. 44, p. 857**Commencement of the Act**, S. 1, p. 25**Commercial Documents Evidence Act, 2209****Commission**, evidence on, whether to be tendered, S. 135, p. 2149

evidence taken on, can be used only when witness is too ill to give evidence at trial, S. 135, p. 2149  
 value of expert evidence on, S. 45, p. 928

**Commissioner**, C.. p. Code, appointed under, S. 1, p. 32

information from persons not examined as witnesses, not entitled to base report on, S. 1, pp. 32, 33

**Common Course**, natural events, of, S. 114, p. 1643

presumption from, of business, S. 114, p. 1672

**Common course of business**, presumption as to, S. 114 (*b*), p. 1636**Common Intention**, in conspiracy, S. 10, pp. 240, 243

things said or done by conspirator after the end of the conspiracy has no reference to, S. 10, pp. 240, 244 (See, *Conspiracy*)

**Commoritates**, S. 108, p. 1537**Communications**, clerks or servants to of pleader, barristers, &c., S. 126, p. 2045

confidential, with legal advisers, protected, S. 129, p. 2048  
 conspirator, between, S. 10, p. 245  
 conspirators by letters, between &c, S. 10, p. 245  
 interception of, S. 60, p. 1049  
 marriage, during, S. 120, p. 1972, S. 122, p. 1981  
 official, S. 124, p. 2014  
 professional, protected, S. 126, p. 2024  
 public officer, to, in official confidence protected, S. 124, p. 2015  
 third persons from to client or legal adviser, S. 129, p. 2049 (See, *Privileged Communication, Legal Adviser*)  
 without prejudice, not admissible, S. 23, pp. 409, 410  
 witness, between solicitor and expert, S. 126, p. 2042

**Companies Act**, admissions during investigations under, S. 18, p. 371

witnesses, investigation under the, S. 132, p. 2063

**Company**, estoppel against, S. 115, p. 1899

**Company Contd.**

inspection of or copy from registers of, S. 74, p. 1191  
registers of, S. 35, p. 776

**Comparison**, handwriting by the Court of—its meaning, value and use, S. 73, p. 1180 (See. *Handwriting*)

handwriting, of, S. 73, p. 1167  
writing or signature, of S. 73, p. 1164

**“Compelled”**, compellability to give evidence is different from competency to give evidence, S. 118, p. 1955

confidential communication, with legal advisers, S. 126, p. 2024  
court to decide when a witness is, to answer such questions, S. 147, p. 2230  
meaning of, to give answer, S. 132, p. 2067  
taking of finger impression or specimen writing or showing parts of body of an accused does not infringe art, 20 (3) of Constitution, S. 73, p. 1171  
witness is, to answer criminating question impeaching his credit if it relates to a matter relevant to the suit, S. 147, p. 2230  
witness not a party shall not be, to produce title deeds, S. 130, p. 2052  
witness, to answer criminating questions, effect of, S. 132, p. 2059

**Competency**, accused, S. 118, p. 1969

child witness, mode of ascertaining, S. 118, p. 1960  
child, of, S. 118, p. 1955  
compellability to give evidence distinguished, S. 118, p. 1955  
English law distinguished, S. 118, p. 1955  
expert witness, S. 45, p. 873  
idiot, S. 118, p. 1968  
lawyer, to appear as a witness in a case in which he is engaged, S. 118, p. 1966  
lunatic, S. 118, p. 1968  
right or custom, to give opinion as to existence of, S. 48, p. 943  
witnesses, of, S. 118, pp. 1953, 1955

**Complaint**, effect of dismissal of, after charge framed, S. 40, p. 824

rape, immediately after, S. 8, p. 196  
statement distinguished, S. 8, p. 198

**Compromise**, admissibility of, petitions, S. 74, p. 1194

decree creating lease must be registered, S. 91, p. 1284  
evidence as to, S. 23, p. 411

**Computer Print-out**, admissible, held to be, S. 60, p. 1049

computer print-out, a real evidence, S. 3, p. 44  
customer's banking account, may properly be admitted as an evidence, S. 60, p. 1053  
document forming part of record maintained in course of business, admissible, S. 16, p. 352  
evidence not admitted, where nobody is produced to vouchsafe the accuracy, S. 60, p. 1050  
extradition proceedings  
intoximeter, S. 60, p. 1050

**Conclusive instructions**, embodied in telex instructions form part of evidence on parol, S. 91, p. 1305

**Conclusive Proof**, meaning of, S. 4, pp. 77, 81

admission merely is not, S. 17, p. 368, S. 31, p. 614  
admission not, but may estop, S. 31, p. 614  
admission when, is, S. 31, p. 619  
birth during marriage is, of legitimacy, S. 4, p. 81, S. 112, p. 1603  
cession of territory, of, S. 113, p. 1625  
judgments, S. 41, p. 286  
judicial notice not, S. 58, p. 1021  
legitimacy, S. 112, p. 1603

**Concurrent findings of fact**, S. 5, p. 121

**Condition**, conditional will, S. 92, p. 1374

oral evidence of, precedent to the attaching of obligation under a document, S. 92, p. 1368

**Conduct**, antecedent, S. 8, pp. 176, 190

estoppel by, S. 115, pp. 1754, 1806

evidence of, for contradicting, varying, &c., a document, S. 92, p. 1330

incriminating statement to police as evidence of, S. 8, p. 193

marriage may be inferred from, of parties, S. 50, p. 957

meaning of, S. 8, pp. 172, 176, 194, 199

opinion on relationship expressed by, S. 50, pp. 950, 957

party, of, S. 8, p. 194

pointing out places, S. 8, p. 193

relevancy of, S. 8, pp. 171, 176

signs whether include, S. 8, p. 189

statement when, does not include, S. 8, p. 194

statement, if included, S. 8, p. 171

statements accompanying discovery of fact within S. 27 are admissible as, S. 27, p. 555

statements as distinguished from acts do not constitute, S. 8, pp. 176, 195

subsequent, inference from, S. 8, p. 192

subsequent, S. 8, pp. 181, 190

witness of, presumption, S. 114, p. 1703

**Conduct of witness**, presumption, S. 114, p. 1703

**Confession**, See also, retracted confession

absconding does not amount to, S. 24, p. 425

accomplice evidence, whether, can be used for corroboration of, S. 133, p. 2111

"accused person", by an, S. 24, p. 429

admissibility of statement under S. 164 Cr P Code other than, S. 24, p. 460

admissibility of, before police officers within S. 26, p. 520

admissibility of, obtained by moral or spiritual exhortations, S. 24, p. 462

admissibility of, of co-conspirator, S. 10, p. 252

admissibility of, while in police custody, S. 26, p. 512

admissibility or oral, amounting to admission, S. 21, p. 397

admission distinguished, S. 24, p. 427

admission made in answer to charge S. 24, p. 427

admissions or statements of incriminating fact to police not amounting to, S. 25, p. 507

admissions to police, not amounting to, S. 25, p. 507

admitted earlier, discretion to exclude, S. 167, p. 2348

appellate court, in, S. 24, p. 490

"appears to the court to have been caused by inducement &c.", S. 24, p. 419

approver, by, S. 24, p. 461

burden of proof of inducement in, S. 24, p. 456

burden of proof of, who is to show voluntary nature of? S. 24, p. 444

burden of proving voluntary nature of, S. 24, p. 421

co-accused "affecting himself and some other", of, S. 30, p. 587

co-accused "jointly tried", by, S. 30, p. 598

co-accused, of "may be taken into consideration", S. 30, p. 587

co-accused, of, is not 'evidence', by, S. 30, p. 606

co-accused, of, to be duly proved, S. 30, p. 597

co-accused, of, under S. 110 Cr P Code, of, S. 30, p. 603

co-accused, of, under TADA, S. 30, p. 604

co-conspirator, of *prima facie* evidence of, S. 10, p. 241

co-conspirator, of, admissibility, S. 10, p. 252

co-conspirator, of, S. 10, p. 252

co-prisoners of, to be corroborated to what extent, S. 30, pp. 610, 612

consideration of proved, affecting person making it and others jointly under trial for same offence, S. 30, p. 587

**Confession Contd.**

- coroner, before, S. 18, p. 387, S. 24, p. 462
- corroboration of retracted, S. 24, pp. 472, 473
- corroboration of, necessity of, of co-accused, S. 30, p. 610
- corroboration, nature of, S. 24, p. 473
- curing of irregularities in recording, under S. 463, Cr P Code, S. 24, p. 485
- Customs Act, statement under, S. 30, p. 606
- death after, S. 30, p. 602
- definition and meaning of, S. 24, pp. 423, 424
- destroying or concealing traces of crime not covered, S. 24, p. 425
- determination of admissibility, S. 24, p. 450
- difference between, of co-accused and testimony of accomplice, S. 30, pp. 612, 416
- discovery of fact, what is or is not, by, S. 27, p. 569
- discretion of judge, S. 24, p. 419
- doctrine of protection against self incrimination and, S. 24
- drug, induced by, S. 24, p. 430
- drunkard, or a man of unsound mind, made by, S. 29, p. 584
- duty of court, S. 24, p. 422
- effect of want of warning before, S. 29, p. 585
- excise officer, to, S. 24, pp. 462, 503
- exculpatory part not to be ignored, S. 24, p. 416
- extra-judicial*, effect of, S. 24, p. 433
- extra-judicial*, making of, to when, S. 24, p. 432
- extra-judicial*, meaning of, S. 24, p. 431
- first information not amounting to, S. 30, p. 604
- first information, in, S. 25, p. 509
- form and language in which, should be recorded, S. 24, p. 484
- function of court, S. 24, p. 422
- gist of law with regard to, S. 24, p. 421
- grant of copy of, S. 24, p. 451
- guilty conducted not covered, S. 24, p. 425
- "having reference to the charge", S. 24, p. 457
- hypnotism, induced by, S. 24, p. 430
- India, made outside, S. 24, p. 462
- inadmissibility of, not recorded in accordance with S. 164 and 281 Cr P Code, S. 24, p. 479
- inducement, burden of proving, S. 24, p. 456
- inducement, threat or promise, caused by, S. 29, p. 579
- instances as to what language constitutes inducement to, S. 24, p. 463
- instances as what language does not constitute inducement to, S. 24, p. 464
- judicial and *extra-judicial*, S. 24, p. 431
- language and form in which, should be recorded, S. 24, p. 484
- law as to, by co-accused to be strictly construed, S. 30, p. 592
- magistrate, various classes of, made to a, S. 24, p. 476
- meaning of, settled, S. 24, p. 424
- mental condition of person, medical evidence to prevail, S. 24, p. 493
- nature of questioning with a view to being satisfied about voluntariness of, S. 24, p. 482
- need of questioning and warning to determine voluntariness of, S. 24, pp. 477, 481
- oral, before magistrate not recorded under S. 164, Cr P Code, S. 26, p. 515
- oral, recorded but not under S. 164, Cr P Code, S. 26, p. 515 (See, *Oral Confession*)
- Presidency Magistrate, recorded by, S. 24, p. 461, S. 25, p. 515
- persons in authority
  - instances, S. 24, p. 459
  - lambardar, S. 24, p. 459
  - police constable, S. 24, p. 459
  - police patel, S. 24, p. 459
  - president village vigilance committee, S. 24, p. 459

Confession *Contd.*

- sarpanch, S. 24, p. 459
- zaildar, S. 24, p. 459
- zamindar, S. 24, p. 459
- police custody, how much of, while in, may be proved, S. 17, S. 27, p. 560
- police custody, made by accused in, not to be proved against him, S. 26, p. 512, 356
- police custody, made while in, S. 26, p. 512
- police officers, made to evidence of which have adverse effect on fair trial, even though not obtained by oppression, irrelevant, S. 25, p. 511
- police officers, to, not to be proved, S. 25, pp. 493, 499
- "police officers" who are within S. 25, p. 502
- police to not inadmissible for all purposes, S. 25, p. 501
- police, silent video-recording by, whether voluntary evidence, S. 25, p. 500
- presumption and S. 80 as to confession, S. 80, pp. 1215, 1217
- presumption as to, S. 80, p. 1215
- presumption under Ss. 80, S. 24, p. 445
- prima facie* relevant, is, S. 24, pp. 415, 447
- privilege against self incrimination, S. 24, p. 416
- probative force of, S. 24, p. 436
- procedure when objection is taken to, on the ground of threat, &c., S. 24, p. 421
- "proceeding from person in authority", S. 24, p. 457
- promise of pardon, S. 24, p. 417
- promise of secrecy, S. 29, p. 579
- prosecutor's wife, attorney, magistrate, &c., to, S. 24, p. 458
- questioning about the length of police custody and removal of police influence, S. 24, p. 482
- recording judicial, mode of, S. 24, p. 476
- recording of, questioning about length of police custody, S. 24, p. 4821
- recording, ascertainment of voluntariness, S. 24, p. 480
- recording, defect and irregularities in, S. 24, p. 485
- recording, duties of magistrates, S. 24, p. 476
- recording, form and language, S. 24, p. 484
- recording, guidelines, S. 24, p. 477
- recording, law summarised, S. 24, p. 489
- recording, mode of, S. 24, p. 476
- recording, nature of questioning, S. 24, p. 482
- recording, non-compliance with, Ss. 164 and 281 CrPC, S. 463 CrPC not applicable, S. 24, p. 487
- recording, removal of police influence, S. 24, p. 482
- recording, Ss. 164 and 281 Cr P C, S. 24, p. 479
- recording, time and place of, S. 24, p. 484
- recording, warning and questioning, S. 24, p. 481
- rejection of once admitted, S. 24, p. 448
- relevancy against maker, S. 24, p. 428
- relevancy of, by a co-prisoner, S. 30, p. 587
- relevancy of, obtained by a promise of secrecy, or deception, S. 29, p. 579
- removal of impression caused, by threat, &c., made after, S. 28, p. 575
- rules as to use of retracted, S. 24, pp. 466, 472
- Sea Customs Act, made under, S. 24, p. 471
- self-defending statement not covered, S. 24, p. 425
- self-exculpatory statement not covered, S. 24, p. 425
- signs, by, S. 24, p. 429
- sleep, made while talking in, S. 29, p. 583
- "so much of, by accused in police custody as relates to facts discovered", S. 27, pp. 546, 560
- statement after arrest of the accused, S. 24, p. 496
- statement of accused not amounting to, S. 30, p. 597
- statement of co-accused before or in the course of trial whether amounts to, S. 30, p. 596

**Confession Contd.**

- statement to police during the course of investigation, S. 25, p. 502
- summary of law as to how far defects and irregularities in, can be cured under S. 463, Cr P Code, S. 24, p. 485
- TADA, confession of co-accused under, S. 30, p. 604
- tender of pardon whether amounts to inducement, S. 24, p. 461
- test as to whether a statement to the police is a, or admission, S. 25, p. 499
- test of admissibility of, S. 24, p. 445
- things necessary to make a, relevant under S. 24, p. 414
- two crimes, of, admissibility on trial for one, S. 24, p. 490
- use of retracted, against co-accused, S. 24, p. 472
- use of retracted, against maker, S. 24, p. 466
- use of, in one case, in another case, S. 30, p. 604
- verification of, S. 24, p. 465
- voluntariness of, how jury should be charged, S. 24, p. 451
- voluntariness of, jury to determine truth, or falsehood, S. 324, p. 447
- voluntary prosecutions to prove, which was recorded by silent video-recording, S. 25, p. 500
- when does the question of burden of proof of, arise, S. 24, p. 444
- whole, must be given in evidence, S. 17, p. 361, S. 24, p. 490

**Confidence, burden of proof of good faith of transaction between persons in relation of active, S. 111, p. 1581**

- meaning of active, S. 111, p. 1587
- persons in position of active, S. 111, p. 1581
- persons in position of active, S. 111, p. 1592
  - legal adviser and client, S. 11, p. 1592
  - guardian and ward, S. 111, p. 1594
  - agent and principal, S. 111, p. 1594
  - employer and manager, S. 111, p. 1594
  - physician and patient, S. 111, p. 1595
  - husband and wife, S. 111, p. 1595
  - spiritual adviser and disciple, S. 111, p. 1595
  - pardanashin* women, S. 111, p. 1595 (See, *Good Faith*)
- position of active, need not arise from lawful relation, S. 111, p. 1587
- presumption of undue influence against a person in position of active, S. 111, p. 1590
- when such presumption does not arise, S. 111, p. 1591

**Confidential Communications, barristers, attorneys, vakils, pleaders, S. 126, p. 2024**

- clerk of legal adviser, S. 127, p. 2046
- husband and wife, during marriage, S. 122, p. 1981
- judge and magistrate, S. 121, p. 1975
- official communication, S. 124, p. 2014
- legal advisers, with privileged, S. 126, p. 2024, S. 129, p. 2048
- lawyer shall not disclose, with clients, S. 126, p. 2025
- employment, must be in the course of, S. 126, p. 2032
- client, by or on behalf of, S. 126, p. 2036
- illegal purposes, for, S. 126, p. 2040 (See, *Privileged Communication, Legal Adviser*)
- public officer in official confidence, to, S. 124, p. 2015 (See, *Official Confidence*)

**Confidentiality, criminal evidence, of, to civil parties, S. 5, p. 97**

**Conjectures and surmises, S. 3, p. 70**

**Consent, (See, *Waiver*)**

- admissibility, in matters of, S. 5, p. 97
- disclosure of communication during marriage as to, must be express, S. 122, p. 1988
- evidence of, S. 155, p. 2273
- issue estoppel, dismissal of appeal by, S. 115, p. 1914
- proceedings as to jurisdiction, S. 115, p. 1913

**Consent Contd.**

promiscuity, from of consent, S. 155, p. 2273  
 rape, absence of, in cases of, S. 114-A, p. 1738

**Consideration**, admissibility of oral evidence to prove, when the original is inadmissible for want stamp or registration, of S. 91, pp. 1275, 1282  
 bond cases, in, S. 104, p. 1469  
 burden of disproving recital of, S. 92, p. 1354  
 burden of proving, S. 104, p. 1472  
 oral evidence admissible to show incorrectness of recital as to, S. 92, p. 1354  
 oral evidence admissible to show want or failure of, S. 92, p. 1353  
 presumed in case of bill-of-exchange, S. 114 III (c), p. 1655  
 presumption as to passing of, of ancient document, S. 90, p. 1242  
 promissory note, insufficiently stamped, S. 91, p. 1275  
 pronote, unstamped, S. 91, p. 1276

**Conspiracy**, abetment by, what constitutes, S. 10, p. 242  
 acquittal or conviction of all conspirator not necessary, S. 10, p. 251  
 actual implication of parties not necessary, S. 10, p. 244  
 admissibility of narrative of past acts by conspirator, S. 10, p. 244  
 admission of several persons jointly interested, S. 10, p. 235  
 agreement but direct meeting not necessary to establish, S. 10, p. 251  
 bribing, hushing up case by, S. 10, p. 243  
 charged, must be established as, S. 10, p. 252  
 circumstantial evidence, correspondence, &c. proof by, S. 10, p. 249  
 co-conspirator, admissibility of confession of, S. 10, p. 252  
 co-conspirator, *prima facie* evidence of, from confession of, S. 10, p. 241  
 co-trespassers, joint tort-feasors, of, S. 10, p. 253  
 conviction of all conspirators, not necessary, S. 10, p. 251  
 corroboration in, cases, S. 10, p. 253  
 "common intention" in, S. 10, pp. 240, 243  
 criminal breach of trust, to commit, S. 10, p. 243  
 criminal, between husband and wife, S. 10, p. 243  
 elements of, S. 10, p. 241  
 establishment or proof of, S. 10, p. 249  
 evidence of acts before, S. 10, p. 246  
 facts relevant to prove S. 10, pp. 234, 237  
 false evidence, obtaining conviction by obtaining, S. 10, p. 242  
 I., p. Code, as offence under, S. 10, p. 242  
 Indian and English law, distinction between, S. 10, p. 240  
 identity of interest, rule founded on, S. 10, p. 235  
 incriminating documents, &c., found in possession of conspirators, S. 10, pp. 201, 245  
 joint action contemplates something more than, S. 10, p. 242  
 narrative of past acts, S. 10, p. 244  
 Overt Act, S. 10, p. 241  
 order of evidence in, cases, S. 10, p. 247  
 Penal Code, as offence under, S. 10, p. 242  
 persons charged with, need not be acquitted or convicted, S. 10, p. 251  
*prima facie* evidence of, makes statement of a conspirator evidence against co-conspirator, S. 10, p. 237  
 "reasonable ground" for believing in existence of, before proving connection of accused, S. 10, pp. 239, 247  
 speeches showing object of, S. 10, p. 246  
 things said or done by conspirator after the termination of the, has no reference to the "common intention", S. 10, pp. 240, 243  
 things said or done in reference to common design, S. 10, p. 234  
 what constitutes, S. 10, p. 241

**Conspirator**, act of, S. 10, p. 234

- Constitution**, Art. 20 (3) discovery of fact on information obtained from an accused non-voluntarily, S. 27, p. 536  
Art. 20 (3), does not affect S. 132 Evidence Act, S. 132, p. 2060  
Art. 20 (3), does not prohibit putting of criminating questions to an accused witness, S. 132, p. 2071  
Art. 20 (3), not inconsistent with S. 315(1) Cr P Code, S. 118, p. 1969  
accused may be compelled to give finger impression or to expose parts of body without infringing Art. 20 (3), S. 73, p. 1171  
'compulsion' in Art. 20 (3), S. 73, p. 1179  
direction to accused to write or give finger impression infringes Art. 20 (3) of, S. 73, p. 1171  
opinion of competent persons as to, of any religious or charitable foundation, S. 49, pp. 946-949
- Constraint or duress**, admissions under, S. 17, p. 369
- Construction**, general principles relating to, of documents, S. 93, p. 1406  
general rules of, of statutes, Preamble, p. 12 (See also, *Interpretation of statutes*)  
proceedings of Legislature and marginal notes cannot be referred to as aids to of Acts, Preamble, pp. 20, 21  
rules regarding, of documents, S. 93, p. 1407
- Consul**, certificate of, to prove public documents of foreign country, S. 78(6), p. 1207  
presumption as to power-of-attorney authenticated by a, S. 85, p. 1233
- Contemporaneity**, relevancy of facts, as, S. 6, p. 163
- Contemporaneous**, admissibility of, oral agreement between parties to a written contract, S. 92, pp. 1371, 1390  
admissibility of, written agreement between parties to a written contract, S. 92, p. 1390  
declarations in matters of pedigree need not refer to, events, S. 32 (5), p. 709  
declarations which are part of *res gestae* must be, S. 6, p. 160  
documents for refreshing memory must be made contemporaneously with the transaction, S. 159, p. 2298  
entries in book must be reasonably, S. 34, p. 764  
persons not parties to document may give evidence of, agreement varying the terms of a document, S. 92, p. 1321, S. 98, p. 1441
- Contemporary statement**, accompanying a relevant act, admissible, S. 6, p. 163
- Contempt of court**, Crown's right to recover secret document for discovery of informant's identity, S. 132, p. 2063
- Contents of Documents** (See, *Documents, Oral Evidence*)
- Continuance**, presumption as to, from previous and subsequent existence, S. 114 (d), p. 1657  
presumption as to, of tenancy, partnership, and agency, S. 109, pp. 1562-63  
presumption as to, there may be presumption backwards, S. 114 (d), p. 1659
- Contract**, affirmation, an estoppel, S. 115, p. 1790  
estoppel by affirmation of, S. 115, p. 1790  
inducting to break, S. 9, p. 206  
oral proof of extrinsic evidence cannot be substituted for written, when, S. 91, p. 1273  
terms of, above rule applies to parties and strangers, S. 91, p. 1273  
terms of, exceptions of the rule, S. 91, pp. 1292, 1297  
terms of, no exception to the rule in the case of oral admissions of documents, S. 91, p. 1271  
terms of, reduced to writing, must be proved by the writing itself, S. 91, p. 1265
- Contradiction**, allowed on a fact which is the foundation of the case and not a fact directed to the credit of a witness, S. 153, p. 2246  
copy whether a can be used for, when the writing has been lost or destroyed, S. 145, p. 2222  
credit, exceptions as to above rule, S. 153, p. 2243  
credit, no, of answers giving reasons for declaring witness unworthy of, S. 155, p. 2260, (See, *Credit*)  
credit, no, of answers to questions affecting, S. 152, pp. 2241, 2242

**Contradiction Contd.**

inadmissibility of oral evidence to contradict the terms of a written contract, S. 92, p. 1305  
 mode of, by previous statement of writing, S. 145, p. 2211  
 omissions, S. 5, p. 109  
 police diaries may be used for, not for corroboration, S. 145, p. 2215, S. 157, p. 2285  
 police diaries, by, S. 145, p. 2215, S. 157, p. 2285, S. 160, p. 2304  
 previous deposition before committing magistrate, by, S. 145, p. 2212  
 previous deposition cannot be used under S. 33 for, S. 33, p. 736  
 previous statement in writing without it being shown to witness, in, S. 145, p. 2210  
 previous statement on tape recorder, by, S. 155, p. 2270  
 previous verbal statements, by, S. 155, pp. 2259, 2266  
 statements to police under S. 162 Cr P Code, by, S. 145, p. 2217, S. 160, p. 2304  
 witness by previous statements in writing, of, S. 145, pp. 2206, 2209

**Convention**, admissibility of evidence of usage to explain written, S. 92, p. 1391  
 admissibility of oral evidence to rescind or modify, reduced to writing, S. 92, p. 1380  
 condition precedent to the attaching of any obligation in a, S. 92, p. 1368  
 estoppel when, guarantee, based on, S. 115, p. 1789  
 evidence of contemporaneous oral or written agreement to vary the terms of a, S. 92, pp. 1371, 1390  
 instances of, not required by law to be reduced to writing, S. 91, p. 1292  
 instances of, required by law to be reduced to writing, S. 91, p. 1287  
 minor by and estoppel, 1696  
 oral evidence admissible to show want of capacity to, S. 92, p. 1353  
 oral evidence in extinguishment of rights under written, S. 92, p. 1387  
 oral evidence of agreement to vary, contradict &c., the recitals in a, S. 92, pp. 1314, 1355  
 oral evidence of existence of, as distinguished from its terms, S. 91, p. 1303  
 oral evidence of implied, S. 92, p. 1367  
 oral evidence to modify or rescind registered, S. 92, p. 1381  
 oral evidence to show that there was no, at all, S. 92, p. 1324  
 parole evidence may be given to prove want of due execution of, S. 92, p. 1353  
 subsequent oral agreement rescinding or modifying, S. 92, p. 1377

**Conversation**, how much of, to be proved, S. 39, p. 813

**Conviction**, accomplice, not illegal merely because it proceeds upon the uncorroborated testimony of an, S. 133, pp. 2072, 2094  
 confession of a co-accused, necessity of corroboration, S. 30, p. 609  
 evidence of previous, when relevant, S. 14, p. 335, S. 42, p. 837, S. 54, p. 976, S. 54, p. 980  
 evidence of, when relevant, S. 40, p. 826  
 judgment of, if evidence in civil cases, S. 43, p. 845  
 material to credibility of witness fresh trial discretion to order, S. 167, p. 2348  
 previous, for handing stolen goods, relevancy of facts, S. 14, p. 336  
 previous, for sexual offences, relevancy of facts, S. 14, p. 336  
 previous, guilty knowledge, to prove, S. 14, p. 335  
 previous, is relevant as evidence of bad character, S. 54 Expln. 2, p. 969, 974  
 previous, may be relevant otherwise than under S. 54, S. 42, p. 837, S. 54, p. 981 (See, *Previous Conviction*)  
 previous, theft cases, S. 14, p. 335  
 previous, when may be put in, S. 54, p. 980

**Copy (Copies)**, accused entitled to, of statements of witnesses under S. 162 Cr P Code, S. 145, p. 2217  
 certified, of public documents, S. 63, p. 1065, S. 76, p. 1203  
 grant of, of confession, S. 24, p. 451  
 mechanical process, made by, S. 63, p. 1066  
 original, made from and compared with the, S. 63, p. 1068  
 presumption as to certified, S. 79, p. 1213  
 presumption under S. 90 whether applies to, S. 90, p. 1260  
 public document can be proved only by certified, S. 65, p. 1100 (See, *Certified Copies*)

(34) *Consolidated Subject Index (Vol. I and II)*

**Copy (Copies) Contd.**

refreshing memory by, of documents, S. 159, p. 2299, S. 160, p. 2304  
secondary evidence, when admissible as, S. 65, p. 1077

**Copyright**, expert opinion on, S. 45, p. 890  
infringement of, S. 45, p. 890

**Coroner**, admissibility of statement of accused or confession before, S. 18, p. 387, S. 24, p. 462  
deposition before, whether admissible in subsequent judicial proceeding, S. 33, p. 737  
estoppel against, S. 115, p. 1898

**Corporation**, inspection or copy from of registers of, S. 74, p. 1191  
estoppel against, S. 115, p. 1898

**Corpus Delicti**, conviction requires proof of, S. 3, p. 50  
corroboration of confession of co-accused as to, S. 30, p. 612  
corroboration of accomplice evidence as to, S. 133, p. 2102

**Correspondence**, admissibility of official, S. 35, p. 791  
how much of a, is to be proved, S. 39, p. 813

**Corroboration**, accomplice evidence of by circumstantial evidence, S. 133, p. 2111  
accomplice evidence under S. 169, of, S. 133, p. 2112  
accomplices do not corroborate each other, S. 133, p. 2107  
admissibility of identification evidence for, S. 157, p. 2285  
admissibility of previous statement for irrespective of time limit, S. 157, p. 2281  
amount of, of accomplice evidence, S. 133, p. 2114  
confession of co-accused whether can be regarded as, of accomplice evidence, S. 133, p. 2109  
confession of co-accused, of, S. 30, p. 609 (See, *Co-accused*)  
deposition before committing magistrate, by, S. 157, p. 2286  
dying declaration, of, S. 32 (1), p. 639  
entries in books of account are evidence in, S. 34, p. 758  
facts otherwise irrelevant are relevant in, of opinion of experts, S. 46, p. 933  
first information, by, S. 157, p. 2286  
former statement for, must be made "at or about the time" when the fact took place, S. 157, p. 2281  
former statement for, must be made before "authority legally competent to investigate", S. 157, p. 2280  
former statement of a witness for, of his later testimony, S. 157, p. 2280  
meaning of, S. 5, p. 142  
nature and extent of, of accomplice evidence, S. 133, p. 2098  
necessity for, of accomplice evidence, S. 133, p. 2094 (See, *Accomplice*)  
police diaries may be used for contradiction and not for, S. 157, p. 2285  
previous statement of accomplice if can be regarded as, of his evidence at the trial, S. 133, p. 2111  
relevancy of facts, S. 32  
retracted confession, as, of accomplice, evidence, S. 133, p. 2110  
retracted confession, of, S. 24, pp. 466, 472, S. 30, p. 609  
rule as to, a rule of practice, equivalent to a rule of law, S. 133, p. 2115  
Section 157 whether controlled by S. 162 Cr P Code, S. 157, p. 2282  
self, what is, S. 157, p. 2278  
sexual offences, in, S. 134, p. 2136  
single witness and, S. 134, p. 2132  
stage when evidence of, should be given, S. 157, p. 2282  
statement recorded in General or other diaries, by, S. 157, p. 2285  
statements of third parties to police, by, S. 157, p. 2285  
witnesses, injuries and distressed condition as, S. 134, p. 2138

**Counsel**, (See, *Pleader, Privileged Communication, Legal Adivser*)

**Counterfeit**, (See, *Coin*)

- Counterfeit coins**, evidence of similar acts, S. 15, p. 345
- Counterparts**, document executed in, S. 62, pp. 1060  
 lease of its primary evidence against executing party, S. 62, p. 1061  
 notice to produce not necessary in the case of, S. 66, p. 1112
- Course of Business**, collateral matter in entries made in the ordinary, S. 32, p. 688  
 computer print-out is a proof of movements in a customer's account, S. 16, p. 352  
 entries in books regularly kept in, S. 34, p. 755  
 entries made in, by professional men, S. 32, p. 686  
 entries made in, in discharge of duty, S. 32, pp. 686, 762  
 entries made in, should be contemporaneous with the transaction, S. 32, p. 687  
 existence of, when relevant, S. 16, p. 349  
 instances of entries in account books, registers, &c., made by dead men in the ordinary, S. 32, p. 688  
 meaning of, S. 16, p. 352, S. 32, p. 684  
 ordinary, S. 32, p. 684  
 post office, in, S. 16, pp. 352, 353  
 presumption from common, S. 14 (f), p. 1672  
 public or private office, in, S. 16, p. 351  
 statements and entries by dead persons made in ordinary, S. 32, p. 683  
 whether personal knowledge necessary in the case of entries made in the ordinary, S. 32, p. 687
- Court**, arbitrator, not included, S. 3, p. 37  
 claims tribunal, S. 3, p. 41  
 Collector, S. 3, p. 41  
 commissioner appointed under Cr P Code is, S. 3, p. 40  
 Committing Magistrate, S. 3, p. 40  
 Deputy Collector, S. 3, p. 41  
 defined, S. 3, p. 37  
 definition of, not to be extended beyond its legitimate scope, S. 3, p. 40  
 domestic tribunals not covered, S. 3, p. 40  
 estoppel by conduct of, no, S. 115, p. 1818 (See, *Judge, Magistrate*)  
 existence of certain facts, presumption, S. 114, p. 1636  
 includes all judges, magistrates, S. 3, pp. 37, 40  
 judicial notice of the names of members and officers of the, S. 57, pp. 994, 1008  
 magistrate included, S. 3, p. 40  
 meaning of 'court' in S. 73, S. 73, p. 1170  
 meaning of, under special Acts, S. 3, p. 40  
 non-expert opinion, duty bound to reject, S. 45, p. 933  
 procedure of, when question asked without reasonable ground, S. 150, p. 2235  
 Registering Officer, S. 3, p. 40  
 Revenue Officers, S. 3, p. 41  
 rent controller, S. 3, p. 40  
 Section 30, of the Act, in, S. 30, p. 604  
 special Act, meaning of under, S. 3, p. 40  
 tribunal distinguished, S. 3, p. 40  
 use of scientific and other treatises by, S. 57, p. 994, 1009
- Courts-Martial**, the Act applies to, other than under Army Act, S. 1, p. 25
- Credit**, abuse of cross-examination to, S. 146, p. 2227, S. 148, p. 2230, S. 149, p. 2235  
 cross-examination to, S. 146, p. 2222, S. 153, p. 2241, S. 155, p. 2259  
 duty of lawyer in cross-examining witnesses to, S. 152, p. 2239  
 evidence of former inconsistent statements in writing in impeaching, S. 145, p. 2206, 2268  
 evidence of former inconsistent verbal statements in impeaching, S. 155, pp. 2259, 2263  
 evidence of misconduct, e.g., bribe, in impeaching, S. 155, pp. 2260, 2266  
 impeaching by giving evidence that witness was not believed in another case, S. 155, p. 2265  
 impeaching, accused can be impeached when he is a defence witness, S. 155, p. 2274  
 impeaching, by evidence of persons that the witness is unworthy of credit, S. 155, pp. 2259, 2264

Credit Conta.

- impeaching, by questions tending to test veracity, to discover the witness's position in life and to injure his character, S. 146, p. 2222 *et seq*
- impeaching, by statements made to police and recorded under S. 162 CrP Code, S. 145, p. 2217
- impeaching, evidence by the prosecution side of former inconsistent statements of prosecution witness for, S. 155, p. 2271
- impeaching, evidence of character that may be given for testimonial impeachment of, S. 146, p. 2226
- impeaching, evidence of general immorality of prosecutrix in sexual offence for, S. 155, p. 2271
- impeaching, only evidence of general reputation for untruthfulness allowed in but not as to particular facts, S. 155, p. 2263
- impeaching, question tending to impeach, when not relevant to the suit except in so far as it affects the credit of witness, court to decide whether or not witness should be compelled to answer, S. 148, p. 2230
- impeaching, question tending to impeach, when relevant to the suit, witness is compelled to answer, S. 147, p. 2230
- impeaching, questions to credit are sufficiently related to subject-matter, cross-examination allowed, S. 155, p. 2273
- impeaching, what questions are proper or improper in, S. 148, p. 2230
- impeaching, witness's attention must first be called to discrediting facts, S. 145, p. 2206, S. 146, p. 2225, S. 155, p. 2266
- modes of impeaching, S. 146, pp. 2225, 2222
- procedure when questions affecting, are asked without reasonable grounds, S. 150, p. 2235
- questions affecting, should not be asked without reasonable grounds, S. 149, p. 2235
- re-establishing, by cross-examination, &c., S. 155, p. 2265
- what is, of witness, S. 146, p. 2225
- Crime**, magistrate or police officer protected from disclosing information as to, S. 125, p. 2019
  - applicability of, rule to private prosecutions, S. 115, p. 1913
- Crime articles**, recovery of, S. 3, p. 69
- Criminal Acts**, evidence of, other than for which indicted, S. 6, p. 169
- Criminal Assault**, corroboration in charges of, S. 134, p. 2135
  - statement of prosecutrix after, S. 6, p. 166, S. 8, p. 196, S. 157, p. 2288
- Criminal breach of trust**, conspiracy to commit, S. 10, p. 243
- Criminal Cases**, admission, by agent in, S. 18, p. 376
  - appeal to the Supreme Court in, S. 167, p. 2349
  - application of *res judicata* in, S. 40, p. 824
  - burden of proving guilt in, is always on prosecution. It never changes, S. 104, p. 147, S. 114, p. 1646
  - burden of proving guilty intention in, S. 104, p. 1476, S. 105, p. 1517, S. 114, p. 1718
  - burden of proving in, that the case of the accused comes within exceptions is upon him, S. 105, p. 1515
  - character, relevancy of, S. 53, p. 967
  - civil doctrine '*res ipsa loquitur*', not applicable to, S. 104, p. 1478
  - general evidence of good, S. 53, p. 968
  - immunity available in, the doctrine of public interest immunity, S. 123, p. 2010
  - importance of character evidence, S. 53, p. 967
  - improper admission or rejection of evidence in, S. 167, p. 2344
  - improper admission or rejection of evidence in, tried by jury, S. 167, p. 2347
  - judgments in, when relevant in civil cases, S. 43, p. 845
  - previous bad character not relevant, except in reply, S. 54, p. 969
  - previous conviction, evidence of, S. 54, p. 969
  - public prosecutor if bound to call every witness, in, S. 104, p. 1477, S. 114 (2), pp. 1691-92
  - razinama* in, S. 13, p. 304
  - right of reply in, S. 135, p. 2143

**Criminal Cases Contd.**

rules of evidence and their effect in civil and. S. 3, p. 58

waiver of objection or consent as to admissibility in, S. 5, p. 97, S. 33, p. 736, S. 58, p. 1027

**Criminal conspiracy**, (See conspiracy)

**Criminal court records**, inspection of, S. 76, p. 1204

**Criminal evidence**, disclosure to civil parties, S. 5, p. 97

**Criminal Law (2nd Amendment) Act, 1983**, presumption as to abetment of suicide by a married woman, S. 113-A, p. 1630

statement of objects and reasons, S. 113-A, p. 1626

**Criminal negligence**, evidence of similar acts, S. 15, p. 245

**Criminal, p. Code**, accused can give evidence for defence under S. 315(I), S. 118, p. 1969

admissibility of deposition before committing magistrate, S. 80, p. 1217, S. 145, p. 2214

admissibility of oral statement to police officer during investigation under S. 161, S. 91, p. 1290

admissibility of order under S. 145, as a 'transaction', S. 13, pp. 280, 306

admissibility of statement of approver after pardon (under S. 308), S. 24, p. 461, S. 133, p. 2124

before all the points type statements made under S. 162, "any person" in, applies to statements by accused, S. 27, p. 559

before all the points type statements made under S. 162, accused entitled to copies of statements under, confession &c., as a matter of right, S. 145, p. 2216

before all the points type statements made under S. 162, impeaching credit by statements made to police and recorded under, S. 145, p. 2217

before all the points type statements made under S. 162, inadmissibility of confession not recorded in accordance with Ss. 164 and 364, S. 24, p. 479, S. 26, p. 515, S. 91, p. 1290

before all the points type statements made under S. 162, meaning of "in the course of an investigation" in, S. 157, p. 2284

before all the points type statements made under S. 162, mode of recording confession, S. 24, p. 476

before all the points type statements made under S. 162, S. 155 Ev. Act, and, S. 155, p. 2271

before all the points type statements made under S. 162, S. 157 Ev. Act whether controlled by, S. 157, p. 2282

before all the points type statements made under S. 162, S. 165, Ev. Acts and, S. 165, p. 2330

before all the points type statements made under S. 162, S. 27, Ev. Act and, S. 27, p. 559

before all the points type statements made under S. 162, section 164 CrPC, statement under, other than confession, S. 24, p. 464

before all the points type statements made under S. 162, statements under, admissible only for contradicting prosecution and not defence witnesses, S. 145, p. 2217

before all the points type statements made under S. 162, statements under, not admissible for corroboration, S. 145, p. 2217, S. 157, p. 2284

before all the points type statements made under S. 162, statement under, may be used to refresh memory, S. 161, p. 2306

before all the points type statements made under S. 162, use of statement under, recorded by magistrate for purpose of corroboration, S. 157, p. 2284

before all the points type statements made under S. 162, use of statement under, for contradiction, S. 145, p. 2220

confession in proceeding under S. 110, S. 30, p. 603

confession in proceedings under S. 340, S. 30, p. 604

contradiction of a witness by statement entered in police diary (S. 172 Cr., p. Code), S. 145, p. 2215

cross-examination of witnesses examined before the committing magistrate but not called in the court of sessions, S. 138, p. 2184

defects and irregularities in confession how far can be cured, S. 24, p. 485

discretion under S. 91, should not conflict with the policy in S. 162 Ev. Act, S. 123, p. 2005

evidence under S. 288, is evidence for all purposes, S. 80, p. 1217, S. 145, p. 2214

right of accused to recall and cross-examine witness for the prosecution, S. 138, p. 2184

**Criminal, p. Code Contd.**

- S. 288, and S. 155 Ev. Act, S. 155, p. 2271
- S. 313, not inconsistent with Art. 20 (3) of Constitution, S. 118, p. 1969
- 'same transaction' in Ss. 220, and 223, S. 6, p. 167
- statement to police under S. 162, S. 27, p. 556, S. 35, p. 778, S. 145, pp. 2216, 2220, S. 157, p. 2284
- statements made under, S. 162
- statements under Section 162, must be "duly proved", S. 67, p. 1122, S. 145, p. 2220
- Criminal proceedings**, confession, mental condition of person confessing, medical evidence to prevail, rather than judge's own assessment, S. 25, p. 493
- issue estoppel, S. 115, p. 1914
- Criminal Prosecution**, statements by deceased persons which expose to, S. 32, p. 702
- Criminal verdict**, issue estoppel, out of, S. 115, p. 1914
- Criminating Questions**, accused when a witness for defence, S. 132, p. 2071
- extent of privilege in answering, meaning of "compelled to give", S. 132, p. 2067
- extent of privilege in answering, no privilege in respect of voluntary answers, S. 132, p. 2067
- extent of privilege in answering, S. 132, p. 2064
- protest or objection whether necessary before a witness is "compelled" to answer, S. 132, p. 2067
- witness "compelled to give" answer to, will not be subjected to criminal prosecution, S. 132, p. 2059
- witness not excused from answering, relevant to the issue, S. 132, p. 2059
- Cross-Examination**, abuse of, as to credit, S. 146, p. 2227, S. 148, p. 2233, S. 152, p. 2235
- as to previous statement in writing, S. 145, p. 2206
- child witness, of, S. 138, p. 2190
- co-accused and co-defendant's witness, of, S. 138, p. 2182
- court's power to keep identity of witness secret, S. 138, p. 2174
- court, by, S. 138, p. 2185, S. 165, p. 2321
- credit, as to, S. 146, pp. 2225, 2229 (See, *Credit*)
- death, illness, &c., between examination in chief and, S. 138, p. 2170
- defence ought to be allowed to cross-examine, when questions as to credit are sufficiently related to subject-matter, S. 155, p. 2273
- duty of lawyer in, as to credit, S. 152, p. 2239
- duty when question in, is ruled out by Court, S. 138, p. 2177
- effect of omitting, on essential points, S. 138, p. 2178
- effect of, of a party's own witness, S. 154, p. 2255
- exclusion of evidence to contradict answers to questions in, testing veracity, S. 152, p. 2241
- expert witness, of, S. 45, pp. 878, S. 138, p. 2192
- failure of, by reason of death, illness, refusal to answer, &c., S. 33, p. 750, S. 138, p. 2170
- female witness, of, S. 138, p. 2190
- hearsay not admissible in, S. 138, p. 2172
- hostile witness, of, S. 154, pp. 2246, 2252
- impeaching credit in, by statements made to the police under S. 162 Cr P Code, S. 145, p. 2217, S. 155, p. 2268, S. 160, p. 2304
- incautions—its dangers, S. 138, p. 2180
- indecent questions, S. 151, p. 2235
- insulting observations during, S. 138, p. 2177
- intervention by court during, S. 138, p. 2185
- Judge's power to interfere in lengthly, S. 138, p. 2187
- latitude in, S. 138, p. 2172
- leading questions
  - when may be asked, S. 143, p. 2203
  - when must not be asked, S. 142, p. 2199
- liability to and right of, S. 138, p. 2168

**Cross-Examination Contd.**

- limits within which, must be confined, S. 138, p. 2173
- lying witness, of, S. 138, p. 2189
- manner of, S. 138, p. 2164
- matters in writing, as to, S. 144, p. 2205
- misleading questions in, S. 138, p. 2176
- mode of contradicting previous statements in writing in, S. 145, p. 2211 (See *Contradiction*)
- modes of impeaching credit in, S. 146, p. 2225, S. 155, p. 2259
- object and scope of, S. 138, p. 2162
- Paul Brown's rules for, S. 138, p. 2165
- party's own witness, of, S. 138, p. 2175 (See, *Hostile Witness*)
- party calling his opponent as witness, by ? S. 154, p. 2258
- persons called to produce document, of, S. 139, p. 2196
- police diaries, as to, S. 145, p. 2215, S. 157, p. 2285
- police witness, of, S. 138, p. 2191
- previous contradictory statements in writing, as to, S. 145, p. 2206
- previous conviction, as to, S. 54, p. 978
- previous deposition under S. 33, the adverse party must have had both the right and opportunity of, S. 33, p. 740
- previous verbal inconsistent statements, as to, S. 155, p. 2266
- procedure in case of question being asked without reasonable ground, S. 150, p. 2235
- prosecution when entitled to rebut either by, or by independent witnesses, S. 54, p. 973
- question intended to insult or annoy, S. 152, p. 2235
- question not to be asked without reasonable ground, S. 149, p. 2235
- question tending to corroborate evidence of relevant fact admissible, S. 156, p. 2275
- question testing veracity, S. 153, p. 2241
- questions lawful in, for impeaching credit, S. 146, p. 2222
- questions not permissible in, S. 138, p. 2176
- questions on the effect of evidence given by another witness or himself not permissible in, S. 138, p. 2178
- questions permissible in, S. 138, p. 2172
- questions which are proper or improper in, as to credit, S. 147, p. 2230-31
- re-call for re-cross-examination, S. 138, p. 2194
- re-cross-examination, S. 138, p. 2194
- right of, how long continuer, S. 138, p. 2171
- right of, not enough—there must be opportunity of, S. 33, p. 746, S. 138, p. 2169
- right of, of witnesses called by the court, S. 138, p. 2187
- right to inspect documents shown during, S. 145, p. 2211
- scandalous questions, S. 151, p. 2235
- tendering witness for, S. 138, p. 2184
- victim as to sex with other men, S. 155, p. 2272
- when witness can be compelled to answer, S. 147, p. 2230
- when witness may not be cross-examined, S. 138, p. 2171
- witness to character, of, S. 140, p. 2197
- witnesses examined before committing magistrate but not called in Sessions Court, S. 138, p. 2184
- Crowd**, expression of feeling by, S. 32 (8), p. 729
  - statements by, S. 9 *illus* (f), pp. 203, 233
  - statements by, or by stander, S. 6, *illus* (a), pp. 154, 164
- Crown's right**, secret document, to recover, S. 132, p. 2063
- Cruelty**, meaning of, S. 113-A, Expl., p. 1626
  - presumption as to dowry death, S. 113-B, p. 1627
  - presumption, S. 114, p. 1705
  - standard of proof, S. 113-A, p. 1630, S. 113-B, p. 1630
- Custody**, meaning of proper, of documents, S. 90, pp. 1242, 1255, 1258

**Custody Contd.**

- accused invited to explain circumstances does not amount to, S. 26, p. 519
- confession while in police, S. 26, p. 512
- formal arrest, after, S. 26, pp. 518, 544
- immediate presence of custodian not necessary, S. 26, p. 519
- police officer, of, meaning, S. 24, p. 544
- police, what is within S. 26 and 27, S. 26, p. 518
- police, what is within, S. 27, S. 26, pp. 518, 544
- presumption of genuineness from proof of proper, of ancient documents, S. 90, pp. 1242, 1244, 1253
- proof and effect of proper, of document, S. 90, p. 1255
- temporary absence of policeman, S. 26, p. 519
- test, S. 26, p. 519

**Custom, abandonment of, S. 13, p. 288**

- admissibility of judicial decision of judgments relating to existence of, S. 13, p. 289, S. 42, p. 837
- ancient, S. 13, p. 287
- books in proof of, S. 13, p. 293
- burden of proof of, S. 13, p. 293, S. 104, p. 1478
- caste, S. 13, p. 296
- competency of witness to give opinion as to existence of general, or right, S. 48, p. 944
- difference between usage and, S. 13, p. 287, S. 49, p. 949
- elements and essentials, S. 13, p. 285
- entries in *wazib-ul-urz and rivaz-i-am* in support of, S. 13, p. 294, S. 35, p. 787
- essentials, S. 13, pp. 285, 286
- evidence and proof, S. 13, p. 290
- facts inconsistent with existence of, S. 13(a), p. 270
- family, S. 13, p. 295
- general law, overrides, S. 13, p. 288
- general law, when, does not prevail over, S. 13, p. 289
- general rules regarding, S. 13, p. 285
- hearsay evidence of, not admissible, S. 32, p. 707
- hearsay evidence to establish, S. 13, p. 287
- immemorial, must be, S. 13, p. 287
- immoral, S. 13, p. 290
- inheritance amongst converts, S. 13, p. 289
- judicial notice of, S. 57, p. 1019
- judicial decisions, admissibility of, S. 13, p. 291
- length of time to constitute, immemorial, S. 13, p. 286
- limitation act not affected, S. 13, p. 289
- local, S. 13, p. 286
- local, proof of, S. 13, p. 292
- nature of evidence to establish, in supersession of general law, S. 13, p. 288
- opinion as to existence of, S. 48, p. 943
- opinion of deceased persons as to the existence of any public right or, S. 32, pp. 703, 706
- opinion of living person as to existence of general, of right, S. 48, p. 945
- oral evidence of mercantile, to annex incidents to contracts, S. 92, p. 1391 (See, *Public Right or Custom*)
- plurality of instances, S. 13, p. 290
- practice and, S. 13, p. 287
- pre-emption, S. 13, p. 295
- presumption of, S. 13, p. 294
- previous judgment in cases involving custom, right, &c., S. 13, p. 303
- primogeniture, S. 13, p. 296
- private, S. 13, p. 286
- proof, S. 13, p. 290

**Custom Contd.**

- proof of general, S. 13, p. 292
- proof of local, S. 13, p. 292
- proof of local and private, S. 13, p. 286
- proof of special, S. 13, p. 292
- Riwazi-i-am, entries in, S. 13, p. 293
- reasonable, must be, S. 13, p. 287
- recognition by court, S. 13, p. 2291
- reference to books is questions of local, S. 57, p. 1013
- relevancy of facts as to existence of, S. 13, p. 270
- requisites of valid, S. 13, pp. 285, 287
- special, proof of, S. 13, p. 292
- trade, of, S. 13, p. 297
- tribal, S. 13, p. 286
- uninterrupted, must be, S. 13, p. 287
- unreasonable or immoral, S. 13, p. 290
- Wazib-ul-arz, entries in, S. 13, p. 293

**Customer's banking account**, computer print-out, may properly be admitted as an evidence.  
S. 60, p. 1053

**Customs Act, 1962**, statement under, not confession, S. 30, p. 606

**Dacoity**, evidence of commission of offences other than, S. 14, p. 324

evidence of other acts of, S. 15, p. 347

presumption that person taking part in, also took part in murder, S. 6, p. 166, S. 114, p. 1653

previous conviction, relevancy, S. 14, p. 336

**Dakhilas**, admissibility of, S. 32, p. 690

mode of proving, S. 32, p. 690, S. 68, p. 1122

**Damages**, aggravation of damages, S. 55, p. 985

amount of, relevancy of, S. 12, p. 268

breach of promise of marriage, character evidence in question of, S. 55, p. 983

burden of proof in suits for, for defamation, malicious prosecution, S. 104, p. 1479

character affecting, S. 55, p. 982

defamation, character evidence, S. 55, p. 583

evidence of character affecting, S. 55, p. 982

facts in mitigation of, S. 55, p. 983

facts relevant in assessing, in special cases, S. 12, p. 269

facts relevant in suits for, S. 12, p. 268

good character in aggravation of, S. 55, p. 985

inactions on tort, S. 12, p. 268

seduction, character evidence in questions of, S. 55, p. 983

statements by deceased persons which expose to a suit for, S. 32 (3), p. 702

**Date**, documents are presumed to have been executed on the, named, S. 67, p. 1119, S. 114,  
p. 1706

"terms of a contract" whether include its, S. 91, p. 1272

**Dead person**, entries by, are independent evidence, S. 34, p. 760

presumption whether a person is alive or dead, S. 108, p. 1552 (See, *Death*)

relevancy of previous deposition of, S. 33, p. 640

relevancy of statement of, S. 32, p. 621

statement of, immediately after incident, S. 8, p. 199

statements of when relevant, as to cause of death, S. 32, p. 640

**Deaf and dumb witness**, rule as to, S. 118, p. 1954, S. 119, p. 1971

**Death**, burden of proof as to life and, S. 108, p. 1481, S. 108, p. 1552

common calamity, in, who died first? S. 108, p. 1557, S. 114, p. 706

dowry, presumption as to, S. 113A, p. 1626

dying declaration, must be proved before admission of, S. 32, p. 645

**Death Contd.**

- entries relating to, in *chaukidari* or police diary, S. 32, p. 691
- examination-in-chief and cross-examination, between, S. 138, p. 2169
- nature of presumption of life and, S. 108, p. 1558
- order in time of, no presumption as to, S. 108, p. 1556, S. 114, p. 1664
- presumption as to, of a person, S. 108, p. 1552
- presumption of Hindu and Mahomedan law, as to, S. 108, p. 1561
- presumption of, and disappearance but without proof of lapse of seven years, S. 108, p. 1562
- statements, made by a person as to cause of, S. 32, p. 621 (See, *Dying Declaration*)
- time or date of, no presumptions as to, S. 108, p. 1558

**Deceased**, identification by witness since, S. 9, p. 210

**Deception**, confession obtained by, S. 28, p. 578, S. 29, p. 581

**Declaration**, accompanying acts when admissible, S. 6, p. 156

- by a dying person as to cause of death, S. 32, p. 640 (See, *Dying Declaration*)
- collateral facts in the, against interest, S. 32
- dead persons in the discharge of duty, by, S. 32, p. 686
- deceased persons, by, S. 32, p. 621
- estoppel by, S. 115, pp. 1756, 1794 (See, *Estoppel*)
- feelings relevant to the matter in question, of, S. 32, p. 729
- 'in the ordinary course of business', S. 32, pp. 683, 686
- intention and threat, of, S. 8, p. 181
- intention by testator, of, S. 92, p. 1400
- interest, against, S. 32 (3), p. 691
- pedigree, as to, S. 32, pp. 709, 718, 722
- public right or custom, as to, S. 32 (4), p. 703
- relevancy of, against interest, S. 32, p. 696
- testator in conditional will, of, S. 92, p. 1373

**Decree**, abstract of pleadings in, admissible to prove admission, S. 43, p. 844

- admiralty court, of, S. 41, p. 832
- admissibility of, not *inter partes*, as transaction or instance, S. 13, pp. 279, 298
- compromise, creating lease must be registered, S. 91, p. 1284
- court without jurisdiction, of, S. 44, pp. 848, 851
- ex parte*, as *res judicata*, S. 40, p. 822
- forum of suit to set aside fraudulent, S. 44, p. 858
- fraud, obtained by, S. 44, p. 852
- fraud in, can be challenged without setting it aside, S. 44, p. 855
- fraud in, nature and kind of, S. 44, p. 855
- matrimonial court, of, S. 41, p. 831
- oral evidence of adjustment of, S. 91, p. 1291, S. 92, p. 1316
- perjured evidence or false claim no ground for setting aside fraudulent, S. 44, p. 859
- probate court, of, S. 41, p. 827
- procedure for setting aside, obtained by fraud, S. 44, p. 857
- public matters, relating to, S. 41, pp. 833, 835
- relevancy of previous, S. 40, p. 816
- status of person, as to, S. 41, p. 833
- transaction in S. 13 if includes a, S. 13, pp. 279, 298

**Deed**, admissibility of recitals in, not *inter partes*, S. 13, p. 307

- burden of proof in suits to set aside or enforce, S. 104, p. 1480
- estoppel by recitals, in, S. 115, p. 1844
- estoppel by, S. 115, p. 1752
- relevancy of recitals in, S. 13, p. 308, S. 104, p. 1507 (See, *Document*)
- statements of dead persons made in, relating to family affairs, S. 32 (6), pp. 621-622
- strict doctrine of estoppel by, not applicable in India, S. 115, p. 1753

**Defamation**, burden of proof in suits for, S. 104, p. 1479

**Defamation Contd.**

charge of, against a pleader for words spoken while performing his duty, S. 152, p. 2238  
 defamatory statement during police investigation not protected under S. 132, S. 132, p. 2067  
 evidence of character in action for, S. 55, p. 982  
 witness compelled to answer whether can be prosecuted for, S. 132, pp. 2064, 2071 *et seq*

**Defence**, innocence, of to rebut the, relevancy of facts, S. 15, p. 348  
 of automatism, to relevant relevancy of facts, S. 15, p. 348

**Dekkhan Agr, Relief Act**, S. 92, p. 1347

**Delay**, presumption from in enforcing rights, S. 114, p. 1706  
 statements by persons whose attendance cannot be procured without unreasonable, S. 32, p. 621

**Demeanour**, absence of separate not as to, of witness is immaterial, S. 5, p. 114  
 corroboration of accomplice evidence, S. 133, p. 211  
 witness in appreciating evidence, of, S. 5, p. 114

**Deposition**, (See, *Previous Deposition*)

admissibility of, not read out in perjury cases, S. 80, p. 1220  
 "before any person authorised by law to take", S. 33, p. 737  
 certified copy can be proved only by, S. 65(e), p. 1077, S. 77, p. 1205  
 civil or criminal cases, given on commission in, S. 33, p. 749, S. 135, p. 2142 (See, *Commission*)  
 conditions necessary for reception of former, S. 33, p. 732  
 contradicting a witness by previous, S. 145, pp. 2206, 2211 (See, *Contradiction*)  
 description on top of, S. 33, p. 738  
 former, may be received as admission, S. 33, p. 754  
 identity, by person is not admissible without proving, S. 33, p. 737, S. 80, p. 1222  
 living person not admissible, of except as admission, S. 33, p. 754  
 medical witness, of, S. 33, p. 749, S. 80, p. 1229  
 mutilated record of, S. 33, p. 738  
 oral evidence of judge, whether, can be proved by, S. 33, p. 737, S. 80, p. 1219  
 oral testimony of previous, S. 33, p. 735  
 presumption as to genuineness of document containing, S. 80, pp. 1215, 1217  
 presumption under S. 80 whether applies to deposition recorded without compliance with law, S. 80, p. 1220  
 previous, should have been recorded in manner laid down by law, S. 33, p. 738, S. 80, p. 1218  
 public document, is, S. 74, p. 1194  
 relevancy of, in former judicial proceeding, S. 33, p. 731  
 secondary evidence can be proved by other than certified copy when original is destroyed, S. 63, p. 1070  
 secondary evidence of, S. 80, p. 1220, S. 91, p. 1291  
 use of, before committing magistrate under S. 288 Cr P C, S. 80, p. 1217, S. 145, p. 2214  
 witness dead, of, S. 33, p. 739  
 witness kept out of the way, of, S. 33, p. 741  
 witness not found, of, S. 33, p. 739  
 witness whose presence cannot be obtained without delay, of, S. 33, p. 742

**Description**, land by boundaries but with misstatement as to area, S. 97, p. 1431  
 partly correct and partly incorrect but whole applies correctly to neither, S. 97, p. 1430  
 top of deposition on whether evidence, S. 33, p. 738

**Destruction**, admission of secondary evidence on, of documents, S. 65, pp. 1096-97  
 document of by proponent himself and admission of secondary evidence, S. 65, p. 1097  
 original, of, S. 65, pp. 1094, 1096  
 presumption arising from of evidence, S. 114, p. 1697  
 presumption of, of will by testator, S. 104, p. 1514  
 record and its reconstruction, of, S. 65, p. 1096

**Detective**, accomplice, not an, S. 133, p. 2088

**Diary**, (See, *Police Diary*)

**NOTE** : Pages 1 to 1444 relate to Vol. I and Pages 1445 to 2380 relate to Vol. II.

**Diary Contd.**

entries relating to death in the, of a deceased *chaukidar*, S. 32, p. 691  
private, for contradiction or corroboration, S. 144, p. 2206

**Dictaphone**, admissibility of communication received through, S. 60, p. 1048

**Dictionary**, reference to, S. 57, p. 1011

**Diluvion**, burden of proving, S. 104, p. 1464

**Diplomatic Agent**, certified copy of foreign  
public document certified by a, S. 78(6), p. 1207

**Direct evidence**, meaning of, S. 3, p. 46  
derivative evidence distinguished, S. 60, p. 1040  
oral evidence must be, S. 60, pp. 1038, 1040

**Disappearance**, seven years, without proof of lapse of, S. 108, p. 1562

**Disclosure**, civil parties, of confidentiality to, S. 5, p. 97

**Discovery**, admission leading to, S. 27, p. 549

affidavits in, and inspection, App. Ap. 2359

blood stained clothes, recovery of, S. 27, p. 528

Crown's right as to, about informant's identity, S. 132, p. 2063

conditions necessary for invoking Section 27, S. 27, p. 523

corps discovered in open field, S. 27, p. 530

dead body, of, S. 27, p. 528

delay in making, S. 27, p. 540

discovery within S. 27, what is or is not, S. 27, p. 567

distinction between, in consequence of information and disclosure by accompanying, a  
statement, S. 27, p. 573

English law of cautioning a prisoner in custody, S. 27, p. 527

fact, of must be in consequence of information from accused, S. 27, p. 551

gist of law in S. 27, S. 27, p. 541

illegality in obtaining information leading to, S. 27, p. 534

information leading to, of fact is admissible although improperly or non-voluntarily obtained,  
S. 27, pp. 534, 537

information, by, and, by act, S. 27, p. 571

joint, of a fact in consequence of information, S. 27, p. 553

meaning of "accused of any offence" in S. 27, S. 27, p. 523

meaning of fact discovered in S. 27, S. 27, p. 543

meaning of, in S. 27, S. 27, pp. 543, 550

misuse of S. 27 by the police, S. 27, p. 529

non-voluntary disclosure, S. 27, p. 37

open place, in, S. 27, p. 552

place included in "facts discovered", S. 27, p. 528

pointing out places, S. 27, p. 573

police custody, information must come from, S. 27, p. 530

principle and scope of S. 27, S. 27, p. 522

production of weapon of offence, S. 27, p. 528

re-discovery of a fact in consequence of information, S. 27, p. 555

S. 27 not violative of Art. 14, S. 27, p. 531

Section 27, historical background of, S. 27, p. 532

'so much of the information when in custody of police as leading to', of facts, S. 27, pp. 521,  
560

state papers, as to, S. 123, p. 2011

statement accompanying, are also admissible as conduct, S. 27, p. 555

statement after, is not admissible, S. 27, p. 551

statement after, S. 27, p. 551

statement leading to, S. 27, p. 528

subsequent facts, theory of confirmation by, S. 27, p. 534

**Discovery** *Contd.*

- unsigned statement, S. 27, p. 574
- voluntariness of statement, S. 27, p. 540
- weapon, production of, S. 27, p. 528
- witnesses, against persons not parties to proceedings, S. 131, p. 2058

**Discrepancies**, in evidence—how to weigh, S. 5, p. 109

- Discretion**, exclude, to confession admitted earlier, S. 167, p. 2348
  - order fresh trial, to, S. 167, p. 2348
  - receive fresh evidence, to, S. 167, p. 2348

**Disease**, body or of mind of makes a witness incompetent, S. 118, p. 1953**Disposition**, animals, of, S. 52, p. 963 (See, *Character, Reputation*)

- character includes both reputation and, S. 55, pp. 982, 985
- evidence of, should be confined to traits which the charge is concerned about, S. 55, p. 990
- evidence of, should be general, S. 55, p. 989

**Disproved**, definition of, S. 3, p. 38**Disputed writing**, comparison of, S. 73, p. 1179**Distinctly**, meaning of, S. 27, p. 550**Distressed**, condition and injuries, as corroboration, S. 134, p. 2138**Divorce**, admissions in, cases, S. 21, p. 400, S. 58, p. 1027

- consent proceedings as to jurisdiction, S. 115, p. 1913
- corroboration of adultery required in, cases, S. 134, p. 2134
- decree in a previous, suit, S. 41, p. 831
- decree of Court of, S. 41, p. 831
- Divorce Act, in proceedings under, parties are competent witnesses, S. 120, p. 1974
- intercepted letters between respondents not admissible in, cases, S. 9, p. 206
- issue estoppel, jurisdiction in, S. 115, p. 1913
- opinion as to relationship not sufficient in proceedings under Indian Act, S. 50, p. 958
- privilege as to communications during marriage continues after, S. 122, p. 1982
- strict proof of marriage necessary in, proceedings, S. 50, p. 959

**Divorce proceedings**, issue estoppel, and consent proceedings as to jurisdiction, S. 115, p. 1953**Document**, admissibility of assertion of title in, S. 13, p. 306

- admissibility of oral evidence when, is collateral or informal, S. 91 Expln. 3, pp. 1297, 1318
- agreement varying terms of, who may give evidence, S. 99, p. 1441
- ambiguous, exclusion of evidence to explain or amend, S. 93, p. 1405
- antecedent, inadmissible to contradict terms of a contract, S. 92, p. 1329
- authentication of, S. 67, p. 1114
- authenticity of, handwriting expert's opinion advising both sides, S. 45, p. 874
- books included, S. 3, p. 43
- certified copies of public, S. 76, p. 1203
- contents of, may be proved by primary or secondary, S. 22, p. 405, S. 61, p. 1055
- contents of, oral admission as to, S. 22, p. 405
- contents of, proof of, S. 61, p. 1055
- copies of public documents to be as good as original documents in certain cases (WB Amendment), S. 78-A, p. 1208
- copies of, by mechanical process, S. 63, p. 1066
- copies of, made from or compared with the original, S. 63, p. 1068
- corroboration of ancient, S. 90, p. 1255
- cross-examination of person called to produce, S. 139, p. 2196
- definition and meaning of, S. 3, pp. 38, 43
- definition under General Clauses Act, S. 3, p. 43
- drawings, S. 3, p. 43
- duplicate, which, is original? S. 62, p. 1060
- effect of refusal of a party to produce, S. 66, p. 1108, S. 114, p. 1680, S. 164, p. 2316

## Document Contd.

- electronic diary, S. 3, p. 44
- evidence of terms of contracts, etc reduced to form of, S. 91, p. 1265, S. 92, p. 1305
- executed in counterpart, S. 62, p. 1060, S. 63, p. 1070
- execution of, by *pardanashin* women, S. 68, p. 1140
- found in possession of conspirators, S. 10, p. 245
- inadmissible for want of registration, may be admitted for collateral purposes, S. 91, p. 1285
- incomplete, when is a, S. 92, p. 1322
- judge's power as to production of privileged, S. 162, pp. 2309, 2312
- judge's power as to production of relating to affairs of State, S. 123, p. 1990, S. 162, p. 2312
- judge's power to order production of any, S. 165, p. 2318
- lien, whether witness can withhold production of, on the ground of, S. 130, p. 2055
- map, S. 3, pp. 38, 43
- matter in writing, to be produced when evidence is given as to, S. 144, p. 2205
- meaning and proof of execution of, S. 67, p. 1118
- meaning of attesting witness to a, S. 68, pp. 1131-32
- metal plate, inscription on, S. 3, p. 38
- obtained by intimidation, S. 92, p. 1351
- oral accounts of contents of, by one who has seen, S. 63, p. 1071
- oral admission as to contents of, S. 22, p. 405
- oral evidence as to, incomplete or informal, S. 92, p. 1361
- oral evidence of illegal document, S. 92, p. 1352
- oral evidence of separate agreement as to which, is silent, S. 92, p. 1361
- oral evidence of terms in conditional, S. 92, p. 1368
- oral evidence of, vitiated by fraud, S. 92, p. 1327
- oral evidence to prove incorrectness of recital as to consideration in, S. 92, p. 1354
- oral evidence to prove mistake in fact or law in, S. 92, p. 1356
- oral evidence to prove that, was not duly executed, S. 92, p. 1353
- oral evidence to prove want of capacity to execute, S. 92, p. 1353
- oral evidence to prove want or failure of consideration in, S. 92, p. 1353
- oral evidence to show that land was inserted in sale, only for registration, S. 92, p. 1327
- oral evidence to show that, was fictitious, S. 92, p. 1327
- oral evidence to vary or contradict terms of contract in, not admissible, S. 92, p. 1305
- oral, evidence when, is incomplete, S. 92, pp. 1322, 1334
- party refusing to produce, after notice, is not entitled to use it without consent of the other party, S. 164, p. 2316
- person summoned to produce, must bring it in court, S. 162, p. 2309
- photograph of scene of incident, S. 62, p. 1060, S. 63, p. 1067
- photograph, S. 3, p. 43
- plan, S. 3, p. 38
- plans, S. 3, p. 43
- presumption against a person withholding or destroying, S. 116, p. 1697
- presumption as to authority to sign ancient, no, S. 90, p. 1259 (See, *Ancient Document*)
- presumption as to genuineness of certified copies of, S. 79, p. 1213
- presumption as to, more than 20 years (UP Amendment), S. 90, p. 1243
- presumption as to, more than 30 years old, S. 90, p. 1242
- presumption as to, produced as record of evidence S. 80, p. 1215 (See, *Attested*)
- primary evidence must be proved by when it is available, S. 61, p. 1056, S. 64, pp. 1073, S. 91, p. 1265
- primary evidence, of, what is, S. 62, p. 1059 (See, *Primary Evidence*)
- primary evidence, proof of, by, S. 64, p. 1073
- printed words, S. 3, p. 38
- private, S. 75, p. 1202
- privilege of witness not a party as to his, of title, S. 130, p. 2052
- production of title deeds by a witness who is not a party, or any, which he holds as mortgagee &c, S. 130, p. 2052

## Document Contd.

- production of, as result of inducement, S. 24, p. 456
  - production of, by a witness who has a lien upon it, S. 130, p. 2056
  - production of, which another person having possession could refuse to produce, S. 131, p. 2056
  - production of, which any other person would be entitled to refuse to produce, S. 131, p. 2056
  - proof of contents of, S. 61, p. 1055, S. 64, p. 1073, S. 91, p. 1265
  - proof of official, S. 78, p. 1207
  - proof of signature and handwriting of, S. 67, p. 1114
  - proof of, by certified copies, S. 77, p. 1205
  - proof of, by reference to contents (illiterate's letter &c), S. 67, p. 1120
  - proof of, not required to be attested, S. 67, p. 1114, S. 72, p. 1164
  - proof of, when attesting witness not found, S. 69, p. 1152
  - proper custody of ancient, S. 90, pp. 1242, 1258
  - proper custody of, what amounts to, S. 90, p. 1242
  - properly proved are admissible though not marked as exhibits, S. 64, p. 1075
  - public, held not to be, S. 74, p. 1200
  - public, held to be, S. 74, p. 1193
  - public, proof of, S. 65, p. 1080, S. 65, p. 1100
  - public, S. 74, p. 1186
  - recital in, not *inter partes*, S. 13, p. 307
  - refreshing memory by referring to a copy of a, S. 159, p. 2300
  - refreshing memory by, made by witness, S. 159, pp. 2292, 2296
  - relevancy of incriminating, letter &c found in the possession of a person or an accused, S. 10, pp. 201, 245
  - relevancy of transactions in, not *inter partes*, S. 13, pp. 270, 299, 307
  - right of adverse party in regard to, called for and inspected, S. 163, p. 2314
  - right of adverse party to see, used to refresh memory, and to cross-examine, S. 157, p. 2282, S. 161, pp. 2306, 2308 (See *Refreshing Memory*)
  - right of inspection and copy of public, S. 74, p. 1189
  - right to inspect, shown to a witness while under cross-examination, S. 145, p. 2211
  - rules as to notice to produce, S. 66, p. 1104
  - S. 91 allows no exception in favour of parol admissions of contents of, S. 22, p. 405, S. 91, p. 1271
  - secondary evidence may be proved by when production of original is physically or legally impossible, S. 61, p. 1055, S. 65, p. 1099
  - secondary evidence of a, which witness cannot be compelled to produce, S. 65, p. 1090, S. 130, p. 2055
  - secondary evidence of contents of, S. 63, p. 1063
  - secondary evidence of, admissible, S. 64, p. 1076
  - secondary evidence of, cases in which may be given, S. 65, p. 1077 (See *Secondary Evidence*)
  - secondary evidence of, what is, S. 63, p. 1063
  - stone, inscription on, S. 3, p. 38
  - tape record, S. 63, p. 1067
  - telegram, S. 61, p. 1059
  - terms of contract &c reduced to the form of, must be proved by the document itself, S. 91, p. 1265
  - translation of, S. 162, p. 2309
  - uniform process, by, S. 62, p. 1062
  - writing, S. 3, p. 38
  - written, collateral to the issue need not be produced, S. 91, pp. 1298, 1398
- Documentary Evidence**, Standard of proof, S. 73, p. 1178
- Dog**, behaviour of, S. 52, p. 964
- fact of previous biting S. 14, *illus (c)*, S. 14, pp. 310, 330
- Dog tracking evidence**, admissibility of, S. 45, p. 890
- reliance on, S. 45, p. 891

- Domicile**, burden of proving, S. 104, p. 1481
- Dowry**, death, presumption as to, S. 113-B, pp. 1630-31  
meaning of, S. 113 B, p. 1627
- Drawer**, acceptor of bill of exchange is estopped from denying the authority of (S. 117), S. 117, p. 1946
- Drug**, identity of, admission as to, S. 18, p. 371
- Drug trafficking**, proceeds of, files connected with purchase transaction of property, evidence, S. 126, p. 2042
- Drunkard**, confession made by, S. 29, p. 584
- Drunkness**, confession made in a state of, S. 18, p. 371  
witness when is a state of, S. 118, p. 1968
- Dumb-Witness**, evidence of, S. 118, p. 1954, S. 119, p. 1981
- Duress**, confession made under, S. 24, p. 412, S. 29, p. 579
- Duty**, presumption of performance of, S. 114, p. 1707  
statements or entries of dead person in the discharge of professional, S. 32(2), pp. 621, 686
- Dying Declarations**, absence of details in, S. 32 (1), p. 638  
accomplice, of, S. 32 (1), p. 647  
actual words, omission to record, S. 32 (1), p. 648  
admissibility of, without proof, S. 80, p. 1219  
admissible against whom, S. 32 (1), p. 640  
admissible in civil cases, S. 32 (1), p. 634  
bride burning case, S. 32 (1), p. 638  
bride burning cases, caution, S. 32 (1), p. 672  
brief statement, S. 32 (1), p. 638  
cases where, held inadmissible, S. 32 (1), p. 661  
cases, held admissible, S. 32 (1), p. 659  
cause of death, as to, S. 32 (1), pp. 621, 640  
"cause of death" of "circumstances of the transaction" resulting in death as to is admissible, S. 32 (1), p. 640  
caution in the use of, S. 32 (1), p. 663  
circumstances of the transaction, S. 32 (1), pp. 641-42  
complete, must be, S. 32 (1), p. 675  
conditions necessary for the reception of, S. 32, p. 645  
constable, recorded by, S. 32 (1), p. 651  
corroboration not required, S. 32 (1), p. 637  
corroboration of, S. 32 (1), p. 639  
cyclostyled form, in, S. 32 (1), p. 648  
death must be proved, before reception of, S. 32 (1), p. 645  
doctor, recorded by, S. 32 (1), p. 649  
English and Indian law as to, S. 32 (1), pp. 633, 634  
'evidence' whether is, S. 32 (1), p. 640  
evidentiary value, S. 32 (1), p. 648  
executive magistrate, non-recording of by, S. 32 (1), p. 649  
first information, S. 32 (1), p. 645  
homicide, not confined to cases of, S. 32 (1), p. 634  
inconsistency on material point, S. 32 (1), p. 669  
investigating officer himself recording, S. 32 (1), p. 653  
*ipsissima verba*, must be, S. 32 (1), p. 676  
language of, S. 32 (1), p. 650  
latest case law, S. 32 (1), p. 667  
magistrate, recorded by, S. 32 (1), p. 653  
medical evidence, corroboration from, S. 32 (1), p. 660  
mental fitness of declarant, S. 32 (1), p. 650

**Dying Declarations Contd.**

- mental fitness, satisfaction about, S. 32 (1), p. 656
  - mental fitness, serious burn injuries, S. 32 (1), p. 657
  - mental fitness, seriousness of injury, S. 32 (1), p. 656
  - more than one, S. 32 (1), p. 681
  - motive, S. 32 (1), p. 645
  - nemo moriturus praesmitur mentire, S. 32 (1), p. 635
  - nods and gestures, recorded on the basis of, S. 32 (1), p. 646
  - non examination of scribe, S. 32, p. 651
  - Punjab and Haryana High Court Rules, manner of recording, S. 32 (1), p. 649
  - person competent to depose, must be, of, S. 32, p. 645
  - person competent to testify, S. 32 (1), p. 645
  - person who chances to live, if made by, S. 32 (1), p. 645
  - police officer, recording of, by, S. 32 (1), p. 653
  - police, recorded by, S. 32 (1), p. 649
  - presumption as to, under S. 80 does not arise when recorded by a magistrate not authorised to record, S. 80, p. 1219
  - principle governing, S. 32 (1), p. 635, 637
  - question answer form, recording of in, S. 32 (1) 655
  - recent decisions, S. 32 (1), p. 638
  - recording of, and mode of proof, S. 32 (1), p. 648
  - reference to motive in not admissible, S. 32, p. 645
  - relevancy of, S. 32, p. 621
  - relevant whatever may be the nature of the proceeding, S. 32 (1), p. 634
  - relevant, when, S. 32 (1), p. 634
  - reliability of, S. 32 (1), p. 667
  - S. 162 Cr., p. Code, and, S. 32 (1), p. 659
  - satisfaction about mental fitness of deceased S. 32 (1), p. 656
  - scrutiny by court, S. 32 (1), p. 637
  - short, concise and to the point, S. 32 (1), p. 648
  - signs are verbal statements for purpose of, S. 32 (1), p. 646
  - statement not relating to cause of death, S. 32 (1), p. 642
  - strict screening of statement, S. 32 (1), p. 668
  - subject-matter and form of, S. 32 (1), p. 676
  - substantive evidence, S. 32 (1), p. 639
  - suicidal death, S. 32 (1), p. 674
  - summary of law, S. 32 (1), p. 634
  - unsigned statement, S. 32 (1), p. 669
  - value of, S. 32 (1), p. 673
  - weight and degree of credit to be attached to, S. 32 (1), p. 663
- Easement**, meaning of, S. 104, p. 1481
- Educational**, institutions, promissory estoppel, S. 115, p. 1790
- Ejusdem generis**, preamble, p. 20
- Election**, corrupt practice, allegation of, S. 114, p. 1708  
estoppel as to two remedies, S. 115, p. 1884
- Election cases**, circumstantial evidence, S. 3, p. 62  
corrupt practice, S. 3, p. 61  
oral evidence, S. 3, p. 62  
rules of proof in, S. 3, p. 61
- Electoral Roll**, admissibility of, S. 35, p. 790
- Electronic diary**, S. 3, p. 44
- Embezzlement**, evidence of similar acts on charges of, S. 15, p. 345
- Employee**, over-payment to, estoppel by, S. 115, p. 1788

- England, presumption as to documents admissible in, without proof of seal or signature, S. 82, p. 1226  
proof of document attested in, but not required to be attested in India, S. 69, p. 1156
- English Cases, use of, as authorities, S. 2, p. 35
- English Court, witness by television linkage allowed, S. 118, p. 1971
- English Law, admissions during investigations under Companies Act, S. 17, p. 371  
Companies Act, during investigations, admissions, S. 17, p. 371  
confessions, made to police, even not obtained by oppression but have adverse effect on fair trail, not relevant, S. 25, p. 511  
investigations during admissions, under Companies Act, S. 17, p. 371
- English statute, Act based on, Preamble, p. 18
- Entries, absence of, S. 11, p. 263, S. 34, p. 768  
books of account, in, S. 34, pp. 755, 761  
correctness, not only but each entry is to be proved, S. 34, p. 764  
corroborative only but not independent evidence, S. 34, pp. 758, 766  
different kind of books in—*jummawasil jummabundi* &c, S. 34, p. 769  
independent evidence when maker is dead, S. 34, p. 760  
interest against, by dead person, S. 32 (3), pp. 622, 688, 691, 697  
liability, not alone sufficient to charge any one with, S. 34, p. 766  
mode of proof of, in books of account, S. 34, p. 764  
nature of, in books, S. 34, p. 766  
ordinary course of business, made in, S. 32 (2), p. 683 (See, *Course of Business*)  
public books &c, in, held not admissible, S. 35, p. 794  
public books registers &c, in, held admissible, S. 35, p. 778  
public record, in, made in performance of duty, S. 35, pp. 772, 777  
public record, in, must be by proper officer, S. 35, p. 777  
regularly kept in the course of business, S. 34, p. 762  
road-cess returns, in, S. 21, p. 403, S. 35, p. 778  
time of making, must be contemporaneous, S. 34, p. 763  
*wazib-ul-urz, rivaz-i-am*, in, S. 13, p. 293, S. 35, p. 787 (See, *Books of Account, Account Books*)
- Entries in books of account, banker's book, relevancy of, S. 34, p. 771  
bills of lading, records of, S. 34, p. 772  
cannongoe papers, relevancy of, S. 34, p. 771  
chittas, relevancy of, S. 34, p. 771  
factory books, relevancy of, S. 34, p. 771  
hatchitta book relevancy of, S. 34, p. 771  
hospital records, relevancy of, S. 34, p. 771  
isamnavisi papers, S. 34, p. 771  
overseas police record, relevancy of, S. 34, p. 771
- Equitable mortgage, proof when memorandum is simply a record a completed transaction and does not constitute the bargain, oral evidence of, is admissible, S. 91, p. 1301  
proof without production of the memorandum in which the terms were recorded, S. 91, p. 1300
- Equivocation, blank space is a an? S. 96, p. 1427  
Extrinsic evidence in cases of, S. 96, p. 1428  
what is, S. 96, p. 1426
- Erasures, documents in (See, *Alteration*)
- Escrow, meaning of, S. 92, p. 1373  
oral evidence to show that deed was delivered as an, S. 92, p. 1373
- Estoppel, definition of, S. 115, pp. 1739, 1741, 1744  
accepting a particular remedy, by, S. 115, p. 1914  
accepting a particular remedy, purchasers were estopped from demand of specific performance, S. 115, p. 1914  
acceptor of bills of exchange, of, S. 117, p. 1946

**Estoppel Contd.**

- acquiescence is equitable, whether, S. 115, p. 1822  
 acquiescence, by, S. 115, p. 1820  
 adoption, S. 115, p. 1855  
 adverse possession, whether tenant is estopped from pleading, S. 116, p. 1935  
 agent, against, S. 115, p. 1900  
 agreement, by, S. 115, p. 1878  
 applicability, mis-apprehension, where both parties are under, S. 115, p. 1769  
 applicability, point of law, on, S. 115, p. 1792  
 applicability, true facts, when both parties are acquainted with, S. 115, p. 1768  
 applied, S. 115, p. 1764  
 approbation and reprobation, by, S. 115, p. 1887  
 arbitration proceedings, in, S. 115, p. 1812  
 attestation and consent, by, S. 115, p. 1846  
 auction purchaser is bound by the same rule of, as the judgement-debtor, S. 115, p. 1908  
 bailee, of, S. 117, p. 1949  
*benami* transaction, S. 115, p. 1862  
 buyer's representation not to exercise his right, whether, S. 115, p. 1789  
 cause of action, in a transaction of sale purchase of shares, S. 115, p. 1914  
 clear, unambiguous and certain, must be, S. 115, p. 1763  
 compromise decree, under, S. 115, p. 1851  
 conduct, by and change of position brought about by it, S. 115, p. 1806  
 contract, affirmation of, S. 115, p. 1790  
 corporations, against, S. 115, p. 1898  
 declaration, act of omission in the creation of, S. 115, p. 1756  
 deed, by, S. 115, p. 1752  
 derivative title of landlord, in case of, S. 116, p. 1937  
 disability, against persons under, S. 115, p. 1874  
 doctrine of, S. 115, p. 1771  
 effect of S. 60 B T Act on, against tenant, S. 116, p. 1941  
 election, by, S. 115, p. 1884  
 equitable doctrine, S. 115, p. 1776  
 equitable part performance, S. 91, p. 1288, S. 115, p. 1848  
 equity is not only rule of evidence, but also of, S. 115, pp. 1744, 1761  
 estoppel, against, S. 115, p. 1896  
 eviction by title paramount, and, S. 116, p. 1925  
 execution proceedings, in, S. 115, p. 1908  
 executor and administrator, against, S. 115, p. 1878  
 family arrangement, under, S. 115, p. 1852  
 fraudulent transactions, S. 115, p. 1864  
 Government, against, S. 115, p. 1896  
 grantor and grantee, against, S. 115, p. 1878  
 guarantee based on convention, whether, S. 115, p. 1789  
 holding out ostensible authority, by, S. 115, p. 1833  
 husband told while leaving house that it was for his wife, husband required to give effect to, his promise and the wife's expectations and to perfect the gift, S. 115, p. 1789  
 income-tax assessments, in, S. 115, p. 1902  
 inconsistent position, by, S. 115, p. 1887  
 industrial disputes, in, S. 115, p. 1902  
 infants, against, S. 115, p. 1857  
 issue estoppel, S. 115, p. 1912  
 issue, and non-parties, S. 115, p. 1912  
 issue, under a foreign judgment, S. 115, p. 1914  
 judgement by default, in cases of, S. 115, p. 1852  
 jurisdiction and issue, S. 115, p. 1913  
 kinds of, S. 115, p. 1748

Estoppel *Contd.*

- landlord's promising tenant to remain in house for life, S. 115, p. 1789  
 landlord and tenant between—its principle and scope, S. 116, p. 1916  
 landlord and tenant, cases of, between, S. 116, p. 1931 (See, *Tenant and Tenancy*)  
 landlord and tenant, mutuality of, between, S. 116, p. 1921  
 late payment, when, acceptance of, S. 115, p. 1788  
 law in S. 116 as to, not exhaustive, S. 116, p. 1922  
 lease, option under, S. 115, p. 1788  
 licensee of patent, against, S. 115, p. 1902  
 licensee of patent, of, S. 117, p. 1950  
 licensee of person in possession, of, S. 116, p. 1915  
 licensee, of, S. 116, p. 1942, S. 117, p. 1949  
 meaning of "intentionally" in S. 126, S. 115, pp. 1758, 1818  
 meaning of the word "person" in S. 115, S. 115, p. 1857  
 members of Hindu family, against, S. 115, p. 1904  
 miscellaneous cases, in, S. 115, p. 1910  
 mortgagor and mortgagee, against, S. 115, p. 1878  
 negligence, by, S. 115, p. 1833  
 negotiable instruments, in regard to, S. 117, p. 1948 (See, *Negotiable Instruments*)  
 omission or mistake, by, S. 115, p. 1831  
 oral statement of a litigant's witness in a previous suit, S. 115, p. 1896  
 overpayment to employee, by, S. 115, p. 1782  
*pais* in or by conduct, S. 115, pp. 1754, 1806  
 parties and privies, binding upon, S. 115, p. 1907  
 partners, in the case of, S. 115, p. 1901  
 "persons claiming through tenant" against, S. 116, p. 1973  
 persons in *pari delicto*, between, S. 115, p. 1864  
 pleading, can be pleaded by both plaintiff and defendant, S. 115, p. 1763  
 pleading, whether, should be pleaded, S. 115, p. 1762  
 pleadings, by, S. 115, p. 1881  
 pre-emption, in, S. 115, p. 1901  
 principals, against, S. 115, p. 1900  
 principle, nature and scope of doctrine of, S. 115, pp. 1741-47  
 promises *de futuro* as to, S. 115, p. 1769  
 promissory—its effect on contract, S. 115, p. 1773  
 promissory, against educational institutions, S. 115, p. 1790  
 proprietary, S. 115, p. 1791  
 recital in deeds, by, S. 115, p. 1844  
 record, by, S. 115, p. 1748  
 representation by and change of position brought about by it, S. 115, p. 1794  
 representation by may include representation of law, S. 115, p. 1791  
 representation by must be of existing facts, S. 115, p. 1769  
 representation in, who can act upon, S. 115, p. 1760  
*res judicata*, and, distinction between, S. 40, p. 822  
 reversioner, against, S. 114, p. 1728, S. 115, p. 1904  
 rule of, and rule in S. 92, S. 115, p. 1747  
 rules of, in the Act are not exhaustive, S. 115, p. 1761  
 See also 'issue estoppel'  
 silence, by, S. 115, p. 1828  
 statute, against, S. 115, p. 1867  
 statutory bar, S. 115, p. 1776  
 tenant estopped from bringing interpleader suit, S. 116, p. 1931  
 tenant not estopped to plead adverse possession of limited interest, S. 116, p. 1936  
 tenant whether estopped to question *benami* title of landlord, S. 116, p. 1939  
 tenant, of "during continuance of tenancy", S. 116, p. 1923  
 tenant, of, "at the beginning of the tenancy", S. 116, p. 1927

**Estoppel Contd.**

- tenant, of, meaning of "putting into possession", S. 116, p. 1927
- tenant, of, operates even after termination of tenancy, S. 116, p. 1923
- tenant, of, S. 116, pp. 1915, 1918
- things necessary to bring a case within, S. 115, p. 1747
- title, by, S. 115, pp. 1876, 1877
- transactions void for immorality or opposed to public policy, S. 115, p. 1866
- trustee and *cestui que* trust, in the case of, S. 115, p. 1903
- undertaking may operate as, S. 115, p. 1769
- waiver in cases involving constitutional rights, and, S. 115, p. 1844
- waiver, and, S. 115, p. 1836
- woman setting forth by husband, while leaving house told it was hers, S. 115, p. 1789

**Evasion**, meaning of evasion of justice, S. 8, p. 181

**Event**, meaning of, S. 3, p. 41

different between, and state of things, S. 3, p. 41

**Evidence**, meaning of, in the Act, S. 3, pp. 44, 48

accomplices, of, S. 133, p. 2072 (See, *Accomplice*)

admissibility of, is for judge, S. 136, p. 2152

admissibility of, the under the Act and exclusion exception, S. 5, p. 91

admissibility of, when to object to, S. 5, p. 91

admissibility, acceptance of earlier statement, S. 17, p. 357

admissibility, arguments on, S. 5, p. 91

admissibility, consent or waiver in matter of, S. 5, p. 97

admissibility, duty of court in case of doubtful, S. 5, p. 91

admissibility, English law, S. 5, p. 89

admissibility, effect of, S. 5, p. 91

admissibility, precedent as to, S. 5, p. 88

admissibility, proper time to object to, S. 5, p. 91

admissibility, relevancy and, S. 5, p. 86

admissibility, written statement, in, S. 17, p. 358

admissible, evidence of computer print-out of telephone calls, S. 60, p. 1049

admissible, when witness giving in writing not unable to speak, S. 118, p. 1968

admission of, after close of prosecution case, S. 167, p. 2352

admitted earlier, ruling out, S. 167, p. 2352

agreement varying terms of document, who may give, S. 99, p. 1441

answer to question testing veracity, to contradict, S. 153, p. 2241

application of language which can apply to one only of several persons, as to, S. 96, p. 1426

appreciation or weight of, S. 5, p. 99, S. 59, pp. 1034, 1038

*as to admission, confessions*, (See, *Admission, Confession*)

child witness, of, S. 118, p. 1935, S. 138, p. 2190

circumstantial, S. 3, pp. 47, 62

communication between expert witness and solicitor, S. 126, p. 2042

computer print-out is a real, S. 3, p. 44

computer print-out of customer's banking account, may properly be admitted as an evidence, S. 60, p. 1053

computer print-out, not admitted, where nobody is produced to vouchsafe the accuracy, S. 60, p. 1050

confessions, mental condition of person to prevail based on medical, S. 24, p. 492

consent, of, S. 155, p. 2273

contemporary statement, accompanying a relevant act, is admissible, S. 6, p. 163

contents of documents may be proved by primary or secondary, S. 61, p. 1055, S. 64, p. 1073

convictions, of, when relevant, S. 41, p. 826

corroborative, S. 156, p. 2275, S. 157, p. 2276

course of business when relevant, S. 16, p. 349

criminal acts other than those for which indicted, of, S. 6, p. 169

Evidence *Contd.*

- deaf and dumb persons, of, S. 118, p. 1954, S. 119, p. 1971  
 decisions to be based on legal, S. 3, p. 55, S. 165, p. 2331  
 defined, S. 3, p. 38  
 definition of, in Act incomplete, S. 3, p. 48  
 divisions of, direct, indirect, original hearsay, &c S. 3, p. 46  
 document in unmeaning reference to existing facts, as to, S. 95, p. 1420  
 document produced for inspection of court, S. 3, p. 38  
 documentary, S. 3, pp. 38, 47  
 documentary, S. 61, p. 1055  
 documentary, standard of proof, S. 73, p. 1178  
 duty in cases of doubt of admissibility of, S. 5, p. 91  
 effect of, in civil and criminal cases, S. 3, p. 58  
 exclusion of oral, of terms of contract reduced to writing, S. 91, p. 1265  
 exclusion of, against application of document to existing facts, S. 94, p. 1415  
 exclusion of, of oral agreement to vary terms of written contract, S. 92, p. 1305  
 exclusion of, to explain or amend ambiguous document, S. 93, p. 1405  
 experts, of, S. 45, p. 860, S. 138, p. 2192  
 extrinsic, to interpret document, S. 93, pp. 1405, 1407  
 fact to determine damages, S. 12, p. 268  
 facts affecting, witnesses, documents, (See, *Witnesses, Documents*)  
 facts forming part of the same transaction, S. 6, pp. 153, 159  
 facts in issue, may be given of, S. 5, p. 83  
 facts in issue, of, breath-specimen obtained at police station, S. 5, p. 96  
 facts necessary to explain or introduce conspiracy, S. 10, p. 234  
 facts not otherwise relevant, become relevant, S. 11, p. 254  
 facts of not in issue but connected with facts in issue, S. 6, p. 155  
 facts of question whether act was accidental or intentional, S. 15, p. 337  
 facts showing existence of state of mind or of body or bodily felling, S. 14, p. 309  
 facts when right or custom is in question, S. 13, p. 270  
 facts which are the cause, occasion or effect of facts in issue, S. 7, p. 169  
 facts, of in issue or facts relevant, S. 5, p. 83  
 foundations of, S. 3, p. 49  
 fresh evidence, discretion to receive, S. 167, p. 2348  
 giving, as, of document called for and produced on notice, S. 163, p. 2314  
 hearsay not to be admitted, S. 3, p. 45  
 hearsay, and duty of court, S. 5, p. 90, S. 60, p. 1048  
 hearsay, home office records, S. 60, p. 1045  
 hearsay, rule, not to apply, to any evidence given in connection with the upbringing,  
 maintenance or welfare of a child, S. 60, p. 1053  
 hearsay, S. 3, p. 47, S. 60, p. 1042  
 hearsay, when admissible, S. 60, p. 1047  
 husband and wife, of, S. 120, p. 1972, S. 122, p. 1981  
 illegally obtained, S. 5, p. 95  
 improper admission and rejection of, no new trial for, S. 167, pp. 2335, 2337(See, *Improper Admission, &c*)  
 improper rejection of, no new trial for, S. 167, p. 2335  
 indicative, S. 165, pp. 2320, 2322  
 interested witness, from, S. 134, p. 2139  
 judges and magistrates, of, S. 121, p. 1975  
 judges to decide as to admissibility of, S. 136, p. 2152  
 judicial, S. 3, p. 45  
 law of, is *lex fori*, S. 1, p. 26  
 material, S. 3, p. 49  
 matters in writing, as to, S. 144, p. 2205  
 meaning of illegible characters, etc., S. 98, p. 1434

Evidence *Contd.*

- motive, preparation, antecedent and subsequent conduct, S. 8, p. 171
- objection to admissibility of, in appellate court, S. 5, p. 93, S. 65, p. 1083
- opinion, character, reputation, See, (*Opinion, Character, Reputation*)
- oral, all facts except contents of documents may be proved by, S. 59, p. 1033
- oral, must be direct, S. 60, p. 1038
- oral, S. 3, p. 47 (See also, *Oral evidence*)
- order of production of, S. 135, pp. 2141, 2146-47 presumption as to, (See, *Presumption*)
- original and unoriginal or hearsay, S. 3, p. 47
- parol, telex instructions of conclusive nature, S. 91, p. 1305
- parties to suits, of, S. 120, p. 1972
- person competent to give, in court, S. 3, p. 52
- personal, S. 3, p. 46
- presumption as to record of, S. 80, p. 1215
- presumption from destruction of, S. 114, p. 1697
- presumption from non-production of available, S. 114, p. 1681
- primary and secondary, S. 61, p. 1055, S. 62, p. 1059, S. 63, p. 1063
- primary, meaning of, S. 62, p. 1059 (See, *Primary Evidence*)
- primary, proof of document by, S. 64, p. 1073
- privilege not waived by volunteering, S. 128, p. 2047
- probabilities and presumptions are to be looked at, in oral, S. 59, pp. 1034, 1038
- probabilities should not exclude positive, S. 59, p. 1038 (See, *Probabilities, Appreciation*)
- probative force of, when outweigh its prejudicial effect, S. 15, p. 339
- proof not confined to, S. 3, p. 49
- public officers as to, confidential communication, of, S. 124, p. 2014
- quantity of, required for judicial decision, S. 134, p. 2129
- question of admissibility of, to be decided then and there, S. 5, p. 92, S. 136, p. 2152
- real, S. 3, p. 46
- reasons for rejection of irrelevant, S. 3, p. 42
- relevant fact, may be given of, S. 5, p. 83
- rules as to notice to produce, when secondary, is given, S. 66, p. 1104
- rules of English law as to admissibility of, S. 5, p. 89
- rules of Hindu and Mahomedan law relating to, have been repealed, S. 2, p. 33
- State, as to affairs of, S. 123, p. 1990
- secondary, cases in which of documents may be given, S. 65, p. 1077 (See, *Secondary Evidence*)
- secondary, cases when may be given, S. 65, p. 1077, S. 66, p. 1104
- secondary, in appellate court, S. 65, p. 1083
- secondary, meaning of, S. 63, p. 1063
- secondary, no degrees in the kind of, S. 63, p. 1072
- similar facts generally inadmissible to prove main fact, S. 14, p. 323
  - exception to the rule, S. 14, p. 323
- standard of proof, S. 3, p. 52
- statement forming part of a conversation document, book on series of letter or paper, S. 39, p. 813
- statement made in the presence and hearing affecting conduct, S. 8, p. 199
- statements by deceased persons, (See, S. 32 and "*Dying Declaration*")
- suspicion not covered, S. 3, p. 52
- suspicion is not, S. 3, p. 54
- tape record, S. 3, p. 44
- tenuous, ruffing out evidence admitted earlier, S. 167, p. 2352
- unreliable, of mental patient with criminal conviction, S. 118, p. 1968
- using, as evidence, of production of which refused on notice, S. 164, p. 2316
- using, as, of document production of which was refused on notice, S. 164, p. 2316
- value of child witness, S. 118, p. 1957
- witness unable to speak, S. 118, p. 1968

**Evidence Act**, consolidation of the English law, S. 1, p. 26

**NOTE : Pages 1 to 1444 relate to Vol. I and Pages 1445 to 2380 relate to Vol. II.**

**Evidence Act Contd.**

exhaustive, not, S. 2, p. 34  
extent and application of, S. 1, pp. 17, 27  
repeal of all rules of evidence by, S. 2, p. 33

**Examination**, advocate's privilege as to order of, S. 135, p. 2147  
court's discretion as to order of, S. 135, p. 2147  
duty of court in regard to, of witnesses in civil cases, S. 135, p. 2148  
duty of court in regard to, of witnesses in criminal cases, S. 135, p. 2150  
one advocate should question during a single state in the, of a single witness, S. 135, p. 2148  
(See, *Witness, Cross-Examination*)  
order of production and of witnesses, S. 135, pp. 2141, 2146, 2147

**Examination-in-Chief**, meaning of, S. 138, pp. 2155, 2157  
leading question when not permissible, S. 138, pp. 2161, 2191  
leading questions when permissible in, S. 142, p. 2201  
object and scope of, S. 138, p. 2157  
objections to questions during, S. 138, p. 2161  
ordinarily party cannot discredit his witness in, S. 138, p. 2161  
Paul Brown's rules, for, S. 138, p. 2159  
relevant facts, must relate to, S. 138, pp. 2157, 2160  
subject-matter of, S. 138, p. 2160

**Examination of witnesses**, consent inference, from promiscuity, S. 155, p. 2273  
cross-examination of victim as to sex with other men, S. 155, p. 2272  
evidence of consent, given by girl friend, S. 155, p. 2273

**Exceptions**, burden of proving, in the Penal Code, S. 105, p. 1515  
interpretation of, preamble, p. 23  
nature of burden of proof on accused to prove, S. 105, p. 1517

**Excise Officer**, confession to, S. 25, p. 503  
police officer, whether, S. 25, p. 503

**Exclusion**, documentary evidence, by, S. 91, p. 1265  
principle upon which the rule of, is based, S. 91, p. 1269 (See, *Oral Evidence, Document*)

**Execution**, admission of, must be in the course of the suit itself, S. 70, p. 1160  
admission of, when is sufficient proof of, S. 70, p. 1156  
admission of, whether dispenses with proof of attestation of document required by law to be attested,  
denial of, by attesting witness, S. 71, p. 1163  
"duty executed" in S. 90, S. 90, p. 1251  
effect of admission of, by one of the executants, S. 70, p. 1160  
estoppel in, proceeding, S. 115, p. 1812  
meaning and mode of proof of, S. 67, p. 1118  
meaning of, S. 71, p. 1163  
modes of proving, of documents not required by law to be attested, S. 72, p. 1164  
ordinary mode for proving of document, S. 67, p. 1115  
parol evidence to prove want of capacity to execute document, S. 92, p. 1353  
parol evidence to prove want of due, S. 92, p. 1353  
presumption as to, ancient documents, S. 90, p. 1242 (See also *Ancient Document*)  
presumption as to, of documents called for and not produced, S. 89, p. 1241  
presumption as to, of power of attorney, S. 85, p. 1233  
presumption of, as to copy of ancient documents, S. 90, p. 1260 (See, *Ancient Document*)  
proof of, by reference to contents, S. 67, p. 1120  
proof of, of document requiring attestation, S. 68, p. 1122  
proof of, of illiterate's letter, S. 67, p. 1120  
proof of, where attesting witness denies or does not recollect, S. 71, p. 1161  
proof of, where no attesting witness found, S. 69, p. 1152  
*purdanashin women*, by, S. 68, p. 1140

**Execution Contd.**

registration not itself proof of, S. 67, p. 1120, S. 86, p. 1236  
S. 70, p. 1158

**Executive proclamations**, admissibility of, S. 78, p. 1211

**Executor**, admission by, S. 18, p. 377

competency to prove execution of will, S. 118, p. 1971

estoppel against, S. 115, p. 1878

grant of probate is conclusive as to the appointment of, S. 41, p. 829

**Exercise**, right, of when buyer does not, whether estoppel, S. 115, p. 1789

**Exhibits**, documents properly proved are admissible though not marked as, S. 64, p. 1073

production of material thing as, S. 60, pp. 1038, 1053

**Existence**, difference between the, of a fact and a statement as to its, S. 11, p. 261

oral evidence of, of contract, grant, fact of partition &c, as distinguished from its terms, S. 91, p. 1303

presumption of, from previous and subsequent, S. 114 (d), p. 1657

relevancy of facts showing, of state of mind or body or bodily feeling, S. 14, p. 309

**Expert**, armourer, opinion of, S. 45, p. 888

ballistic expert, opinion of, S. 45, p. 887

blood-grouping test, opinion on, S. 45, p. 889

bullet marks, opinion on, S. 45, p. 887

cartridge paper, watermark on, S. 45, p. 897

commercial and professional men, evidence of, S. 45, p. 870

competency of, S. 45, p. 875

conviction based upon opinion of, is unsafe, S. 45, pp. 916, 925, 927

copyright, opinion on, S. 45, p. 890

corroboration, S. 45, p. 864

Court free to draw its own conclusion, S. 45, p. 863

degree of credit to be given to opinion of, S. 45, pp. 899, 916, 925, 927

difference between evidence of, and ordinary witness, S. 45, p. 864

dog tracking evidence, S. 45, p. 890

duty of court, S. 45, p. 873

evidence cannot be admitted, when, S. 45, p. 871

evidence is to be admitted, when, S. 45, p. 868

evidence of technical terms in foreign documents, S. 98, p. 1438

evidence on witness's state of mind, S. 45, p. 928

examination of, scope, S. 45, p. 878

facts bearing upon, S. 46, p. 933

foot marks, opinion of, as to, S. 45, p. 927

foot prints, S. 45, p. 892

gambling, opinion on, S. 45, p. 892

handwriting besides opinion of, there are two other modes of proving, S. 47, p. 934, S. 73, p. 1164

handwriting, determination of age of, S. 45, p. 921

house-breaking, opinion on, S. 45, p. 892

hypothetical questions to, S. 45, p. 878

hypothetical, when questions need not be, S. 45, p. 884

inquiries and reports by, S. 45, p. 878

market-value of land, opinion on, S. 45, p. 892

meaning of, S. 45, pp. 864, 872

medical opinion, value of, S. 45, p. 862

mode of examination of, S. 45, p. 878

mode of examination of, S. 45, p. 878, S. 138, p. 2192

opinion, need not state facts in, S. 45, p. 933

opinion, as to finger impression, S. 45, p. 923

**Expert Contd.**

- opinion in books, S. 45, p. 884, S. 60, p. 1051
- opinion of, as to foregin law, S. 45, p. 885
- opinion of, as to handwriting, S. 45, p. 912
- opinion of, is liable to corroboration or rebuttal, S. 45, p. 932
- opinion of, relevancy, S. 45, p. 860
- opinion of, when advising both sides, S. 45, p. 874
- opinion of, when relevant, S. 45, p. 860
- opinion on facts stated by other witnesses, S. 45, p. 881
- opinion rule, exception to, S. 45, p. 865
- ordinary witness distinguished, S. 45, p. 864
- palm impressions, opinion of, as to, S. 45, p. 924
- professional treatises, may refresh his memory by reference to, S. 159, pp. 2292, 2300
- radiologist, opinion of, regarding age, S. 45, p. 886
- relevancy of facts, which support or are inconsistent with the opinion of, S. 46, p. 933
- reports of certain Govt. scientific, and officers of mint et.c. S. 45, p. 898
- subject of, evidence, S. 45, p. 871
- symptoms produced by poison, opinion on, S. 45, p. 861
- telephony, opinion on, S. 45, p. 893
- text books, reference to, by, S. 45, p. 884
- time of death, opinion on, S. 45, p. 909
- translations of foreign documents by, S. 98, p. 1439
- typewriting specimens, opinion on, S. 45, p. 893
- value of opinion of medical, S. 45, p. 900
- value of, evidence in general, S. 45, p. 929
- value of, opinion on finger prints, S. 45, p. 924
- value of, opinion on handwriting, S. 45, p. 915
- witness, and communication between expert and solicitor, evidence, S. 126, p. 2042
- workmen's compensation cases, opinion in, S. 45, p. 897

- Expert opinion, court's duty to reject non,** S. 45, p. 933
- court may act without, in a case of mental handicap, S. 45, p. 933
- facts need not be stated in, S. 45, p. 933
- rejection by court non, S. 45, p. 933
- report sent by an expert with his letter, substance to be disclosed, S. 45, p. 933

**Explanation, interpretation of preamble,** p. 23

**Explanatory Facts, relevancy of,** S. 9, p. 202

**Expressions of Feelings of Impressions, relevancy of,** S. 32, p. 639

**Extent, of Evidence Act, S. 1, p. 27**

- Extra judicial confession, administrative officer of village, made to,** S. 24, p. 432
- basis of confession, when can form, S. 24, p. 437
- corroboration of, S. 24, p. 443
- effect of, S. 24, p. 433
- judicial and, S. 24, p. 431
- making of, to whom, S. 24, p. 432
- meaning of, S. 24, p. 431
- relative, made before, S. 24, p. 435
- stock witness, made before, S. 24, p. 432
- weak type of evidence, S. 24, p. 439
- weight to be attached to, S. 24, p. 434

**Extradition proceedings, computer printout in,** S. 60, p. 1051

- Extrinsic Evidence, admissibility of oral, in proof of original consideration when document is inadmissible for want of stamp,** S. 91, p. 1275
- admissibility of, for varying the terms of a contract, S. 92, p. 1305
- admissibility of, of conduct or intention, S. 92, p. 1330

**Extrinsic Evidence Contd.**

- admissibility of, to prove confession of accused, S. 91, p. 1290
- admissibility of, when document is inadmissible for want of registration, S. 91, p. 1282
- admissibility of, where description is partly correct and partly incorrect, S. 95, p. 1423
- cases where language applies to one only of several persons, S. 96, p. 1426
- cases where, is admissible, S. 93, p. 1414
- cases where, is inadmissible, S. 93, p. 1413
- equivocation, cases of, S. 96, p. 1426
- falsa demonstratio non nocet*, in cases, S. 95, p. 1424
- forms of, or parol evidence, S. 92, p. 1327
- intention to explain supposed when language is plain, S. 94, p. 1419
- language ambiguous on its face, no, S. 93, p. 1405
- oral proof of, cannot be substituted for written contract, S. 91, pp. 1273-74
- patent ambiguity, not admissible to explain, S. 93, p. 1410
- surrounding circumstances, of, S. 92, p. 1395
- will cases, in, S. 92, p. 1400

**Fact especially within knowledge**, burden of proof of, S. 106, p. 1530

**Fact(s)**, admission of, cannot be, by experts, S. 46, p. 933

- admission of, need not be proved, S. 58, p. 1021
- admitted, need not be proved, S. 58, p. 1021
- accidental or intentional bearing on question whether an act was, S. 15, p. 337
  - showing that such act forms part of a series of similar transactions, S. 15, p. 337
- burden of proving especially within the knowledge of a person, S. 106, pp. 1530, 1533
- burden of proving facts specially with in the knowledge of an authority forming an opinion in issuing a notification, S. 106, p. 1539
- collateral, not generally admissible, S. 5, p. 85
- collateral, when admissible, S. 11, p. 257
- conclusive proof, when, S. 4, p. 77
- connected with fact in issue, S. 6, p. 155
- conspiracy relevant in proving, S. 10, p. 234
- course of business showing existence of any, S. 16, p. 349
- court may presume existence of certain, S. 114, p. 1636 (See, *Presumption*)
- court may presume, when, S. 4, p. 77
- court shall presume, when, S. 4, p. 77
- damages relevant in determining, S. 12, p. 268
- difference between existence of a, and statement as to its existence, S. 11, p. 261
- disproved, when, S. 3, p. 38
- distinction between the factum and truth of statement, S. 32, p. 715
- evidence may be given of, in issue of relevant facts, and of no others, S. 5, pp. 83, 89
- existence of any state of body or bodily feeling showing, S. 14, pp. 309, 313
- existence of state of mind showing, S. 14, pp. 309, 313
- expert opinion need not state, S. 45, p. 933
- fact in issue, necessary to explain or introduce, S. 9, pp. 202, 205
- fact in issue, which support or rebut an inference suggested by, S. 9, p. 202
- forming part of the same transaction, S. 6, pp. 153, 159
- identity of any person or thing, S. 9, pp. 202, 207
- 'in issue', in criminal cases, S. 3, p. 43
- 'in issue', S. 3, pp. 37, 43, S. 5, p. 88
- 'in issue, in' civil cases, S. 3, p. 43
- intention, knowledge good faith, negligence, rashness, ill-will, or good will showing, S. 14, p. 309
- judgements whether is a, S. 13, p. 279, 282
- judicial notice of, S. 56, p. 993
- judicial notice, 'offensive weapons' S. 57, p. 1056
- judicial notice, court must take of, S. 57, p. 994

**Fact(s) Contd.**

- judicial notice, S. 57, p. 993
  - meaning of, 'proved', 'disproved', 'not proved', S. 3, pp. 38, 52
  - meaning of, in, S. 3, p. 37, S. 27, p. 542
  - meaning of, S. 3, pp. 37, 41
  - motive or preparation which show or constitute, S. 8, pp. 171, 176
  - not proved, when, S. 3, p. 38
  - occasion, case or effect of relevant facts, S. 7, p. 169
  - opinion of experts, bearing upon, S. 45, p. 865
  - oral evidence, all, except contents of documents may be proved by, S. 59, p. 1033
  - oral evidence, proof of, by, S. 59, p. 1033, S. 60, p. 1038
  - physical, psychological, S. 3, p. 41, S. 27, p. 542
  - pleading, which are taken to be admitted by rules of, S. 58, pp. 1021, 1030
  - procedure when relevancy of one alleged, depends upon another alleged fact being first proved, S. 136, p. 2154
  - procedure when, proposed to be proved are admissible upon proof of other facts, S. 136, pp. 2152, 2154
  - proved, when, S. 3, p. 38
  - relation of parties, which show, S. 9, p. 202
  - relevant in forming an opinion upon a point of foreign law, science or art, or as to identity or handwriting, S. 45, p. 860-61
  - relevant in forming opinion as to relationship, S. 50, p. 950
  - relevant in forming opinion as to usages and tenets of any body of men, S. 49, p. 946
  - relevant in regard to opinion as to existence of right or custom, S. 48, p. 943
  - relevant when right or custom is in question, S. 13, p. 270, S. 48, p. 943
  - relevant, S. 3, pp. 37, 42, S. 5, p. 86, S. 5, p. 88
  - time or place at which any fact in issue or relevant fact, happened facts which fia., S. 9, p. 202
- Factory books,** S. 34, p. 771
- Facts discovered,** bloodstained clothes, S. 27, p. 528
- dead body, discovery of, S. 27, p. 528
  - meaning of, S. 27, p. 528
  - place, discovery of, included, S. 27, p. 528
  - weapon of offence, discovery of S. 27, p. 528
- Facts in issue,** evidence may be given of, S. 5, p. 83
- Facts in issue and relevant facts,** test purchase of liquor by a police officer in plain clothes, S. 5, p. 95
- Fair trail,** confessions made to police, having adverse effect on, in relevant, S. 25, p. 511
- Faisal patti,** presumption, S. 114, p. 1708
- Falsa Demonstration Non Nocet,** application of the maxim, S. 95, p. 1424
- False Evidence,** conspiracy to obtain conviction by, S. 10, p. 242
- decree obtained by, no ground for setting it aside, S. 44, p. 858
  - English practice in such cases should be followed, S. 134, p. 2128
  - evidence of one witness sufficient for conviction for giving, S. 134, p. 2131
  - prosecution for giving, in answers to questions testing veracity, S. 152, p. 2241
  - prosecution for, falsely declaring another witness to be unworthy of credit, S. 155 (4), p. 2260
- Falsus in Uno Falsus in Omnibus,** application of the maxim, S. 5, p. 104
- Family,** competency of person who can depose about, history, S. 32, p. 710
- conduct, family tradition and repute as to relationship, S. 50, p. 954
  - declarations by deceased persons on matters of, history of pedigree, S. 32, p. 709
  - essentials and proof of custom, S. 13, p. 295
  - estoppel under, arrangement, S. 115, p. 1852
  - Hindu law of, custom—presumption, S. 114, p. 1715
  - oral evidence of, settlement, S. 91, p. 1288

**Family Contd.**

persons adopting Hindu custom of joint, S. 114, p. 1715  
 presumptions with regard to joint Hindu, S. 114, p. 1711  
 statements in a will or deed relating to, affairs, S. 32 (6), p. 722  
 statements upon, portrait, S. 32 (6), p. 722  
 tradition and usage, S. 50, p. 954

**Family affairs**, statement made in will or deed relating to, S. 32, p. 621

**Family Conduct**, admissibility of evidence of, S. 50, p. 954

**Family Pedigree** (See, *Pedigree*)

**Family portraits**, statement made in, S. 32, p. 722

**Family Repute**, Admissibility of, S. 50, p. 954

**Family Settlement**, estoppel under, S. 115, p. 1852  
 writing, need not be in, S. 91, p. 1288

**Family Tradition**, admissibility of evidence of, S. 32 (6), p. 709, S. 50, p. 954  
 custom, is admissible, on question affecting, S. 50, p. 954

**Feelings**, injury to, is irrelevant in action for damages on contract, S. 12, p. 268  
 state of body or bodily, S. 14, pp. 309, 333  
 statements by several persons expressing, S. 32 (8), p. 729

**Festival**, judicial notice of public, S. 57, p. 994

**Fiduciary Relations**, burden of proving good faith is on the person holding, S. 111, pp. 1581, 1592  
 instances of persons holding, S. 111, p. 1592 (See, *Good faith, Confidence*)

**Filiation**, evidence of parents in, proceedings, S. 112, p. 1623  
 presumption of legitimacy from, S. 112, p. 1621

**Finger Impression**, Art. 20(3) Constitution, direction to accused under S. 73 to give writing, S. 73, p. 1171  
 Art. 20(3) of Constitution, of accused may be taken without infringing, S. 73, pp. 1171, 1175  
 conviction on expert opinion on, without corroboration is unsafe, S. 45, p. 924  
 opinion of expert, S. 45, p. 860  
 opinion on, S. 45, pp. 860, 861, 923 (See, *Expert*)  
 power of Court of direct, of accused to be taken for comparison, S. 73, p. 1170

**First Information**, accused, by, not amounting to confession, S. 30, p. 604  
 admissibility of, under S. 32 (1), S. 32 (1), p. 645  
 admissibility of, under S. 35, S. 35, p. 306  
 confession in, as evidence of conduct, S. 8, pp. 178, 189  
 confession in, how much relevant, S. 25, p. 509, S. 27, p. 562  
 confession in, S. 25, p. 509  
 confessional, S. 24, p. 430  
 corroboration of maker or by defence to contradict informant, S. 145, p. 2220  
 corroborating, contradicting or discrediting for (under Ss. 157, 145 and 155), S. 155, p. 2271  
 corroboration, for, S. 157, p. 2286  
 S. 162, Cr P Code, how far affected by, S. 157, p. 2286  
 substantive evidence, is not and can be used only for corroboration or contradiction, S. 145, p. 2220, S. 157, p. 2286

**Fishery, jalkar tenancy**, month in, S. 92, p. 1391

**Flight**, running away, inference from, S. 8., p. 192

**Foot Prints**, expert opinion as to, S. 45, p. 927  
 science of identification of, S. 45, p. 892

**Foreign**, documents in, language, Expert evidence to explain meaning, S. 98, p. 1439  
 expert opinion on, law, S. 45, p. 860  
 extrinsic evidence of, expressions, S. 98, p. 1434  
 method of proving a point of law, S. 32, p. 710, S. 45, p. 885

**Foreign Contd.**

- presumption as to certified copies of, judicial records, S. 86, p. 1236
- presumption as to genuineness of books containing, law, S. 84, p. 1232
- proof of, judicial records, S. 78, p. 1207, S. 79, p. 1213
- public documents of any other class in a, country, S. 78, p. 1207, S. 79, p. 1213
- translation of, document, S. 98, p. 1439
- Foreign Country**, records of the acts of public officers of, are public documents, S. 74, p. 1186
- mode of proving the proceedings, of Legislature of, S. 78(4), S. 78, p. 1207, S. 79, p. 1213
- Foreign Judgment**, conclusiveness of, S. 40, p. 825
- effect of, S. 40, p. 821
- issue estoppel under a, S. 115, p. 1914
- Foreign law**, opinion of expert on, S. 45, p. 860
- Forfeiture**, witness not excused from answering on the ground of penalty or, S. 132, p. 2059
- Forgery**, denial of landlords' title, S. 116, p. 1944
- evidence of similar acts, S. 15, p. 346
- Forwarding note**, entries in, presumption, S. 114, p. 1708
- Fraud**, admission may be shown to be fraudulent, S. 31, p. 615
- attempted and perpetrated, distinction between, S. 44, p. 857, S. 115, p. 1864
- burden of proving, S. 104, p. 1486
- decree obtained by, every superior or inferior court is competent to set aside, S. 44, p. 855
- decree obtained by, may also be set aside by separate suit, S. 44, p. 858
- decree obtained by, no separate suit necessary to set aside, S. 44, p. 855
- decree obtained by, procedure to be adopted for setting aside, S. 44, p. 857
- evidence of previous fraudulent transfers, S. 14, p. 323
- evidence of similar acts, S. 15, p. 346
- extrinsic evidence when document is vitiated by, S. 92, p. 1347
- judgment obtained by, effect of, S. 44, p. 852
- law recognizes no estoppel as between parties guilty of, S. 115, p. 1864
- meaning of, S. 44, p. 852
- nature and kind of, contemplated by S. 44, S. 44, p. 855
- obtaining judgment, in, S. 44, p. 848
- party pleading his own? S. 44, p. 854, S. 1865, p.
- presumed, not to be, S. 104, p. 1486, S. 114, p. 1709
- professional privilege not attached in respect of communications contriving, S. 126, pp. 2024, 2040
- Fresh evidence**, discretion to receive, S. 167, p. 2348
- Fresh trial**, discretion to order, S. 167, p. 2348
- Gambling**, evidence of similar acts in, S. 15, p. 346
- Gambling house**, previous conviction for keeping, relevancy, S. 14, p. 335
- Gambling**, opinion on, S. 45, p. 892
- Gazette (Govt.)**, advertisement by private person, appearing in, is not the only medium of publication, S. 37, p. 807
- dissolution of partnership in Calcutta, as to sufficiency of notice of, S. 37, p. 808
- evidentiary value of Government, S. 37, p. 808
- judicial notice of appointments notified in S. 57(7), S. 57, pp. 993, 1005
- presumption as to genuineness of, S. 81, p. 1223
- proof of proclamation by, S. 78, p. 1207
- relevancy of facts of public nature in Acts or notifications appearing in, S. 37, p. 806
- Gazetteers**—admissibility of, S. 35, p. 789
- Genealogical Table**, evidence as to, based on hearsay statements in pedigree, S. 32, p. 720
- relevancy of, on questions of pedigree, S. 32, pp. 708, 716, 718, 721

Genealogical Table *Contd.*

- S. 32(5) statements under must be by persons having special means of knowledge, S. 32, pp. 712, 717, 720, 724
- S. 32(6) under special means of knowledge are not required, S. 32, p. 720 statements in, S. 32, p. 718
- General Custom or Right**, opinion as to existence of, when relevant, S. 48, p. 943 public right distinguished, S. 32, p. 706 (See, *Custom, Public Right, Right*)
- General Interest**, opinion of deceased persons as to existence of matter of public or, S. 32 (4), pp. 703, 706
- Geographical**, judicial notice of, divisions of the world S. 57(9), S. 57, pp. 994, 1007
- Gift**, immovable property, of, requires attestation, S. 68, p. 1142
- Good Character**, (See, *Character*)
- Good Faith**, admissibility of collateral facts to prove, S. 14, p. 328 agent and principal, burden of proving, between, S. 111, p. 1594 facts showing good faith, S. 14, pp. 309, 331 guardian and ward, burden of proving, between, S. 111, p. 1594 husband and wife, burden of proving, between, S. 111, p. 1595 legal adviser and client, burden of proving, between, S. 111, p. 1592 *pardanashin* women, burden of proving, in transactions with, S. 111, p. 1595 parent and child, burden of proving between, S. 111, p. 1594 proof of, in transactions when party is in relation of active confidence, S. 111, p. 1581 spiritual adviser and disciple, burden of proving, between, S. 111, p. 1595 'undue influence' when, is questioned, S. 111, p. 1588 (See, *Undue Influence*) Will cases, in, S. 111, p. 1585 (See, *Confidence*)
- Good Will**, facts, relevant to prove, S. 14, pp. 309, 326, 333
- Government**, chittas made by, for private use, S. 83, pp. 1231 (See, *Maps*) gazette (See, *Gazette*) maps prepared by officer of, S. 83, p. 1229-30 presumption as to, maps, S. 83, pp. 1228-29 proof of Acts, notifications and orders of, S. 78, p. 1207, S. 87, p. 1238 statement of fact of public nature in a, notification, S. 37, p. 806
- Grant**, construction of, S. 91, p. 1271 evidence of terms of, S. 91, p. 1265 meaning of, in legal transactions, S. 91, p. 1272 oral evidence of existence of, as distinguished from its terms, S. 91, p. 1303
- Grave and sudden provocation**, burden of proof, S. 105 (b), p. 1515
- Grounds**, expert opinion of liable to corroboration or rebuttal, S. 46, p. 933 (See, *Expert*) opinion of when relevant, S. 51, p. 959
- Guarantee**, estoppel whether, based on convention, S. 115, p. 1789
- Guardian**, admissions by, S. 18, p. 384 alienation by—burden of proof, S. 104, p. 1489 burden of proving good faith in transactions between, and ward, S. 111, p. 1594 effect of acknowledgment of debt by, S. 18, p. 384
- Guardianship**, certificate of, no evidence of minority, S. 35, p. 796
- Guilt(y)**, admissibility of confession of co-accused when one of several persons tried jointly admits, S. 30, p. 598 court may refuse to accept plea of, S. 58, p. 1027 knowledge cannot be proved by direct evidence, S. 14, p. 328 presumption of, knowledge from recent possession of stolen property, S. 114, p. 1644 *et seq* presumption of, knowledge when arises, S. 14, p. 329 proof of, knowledge necessary to sustain a conviction for receiving stolen property, S. 14, p. 329

- Guilty knowledge**, previous conviction to prove, S. 14, p. 335
- Habit**, relevancy of evidence of, S. 54, p. 976
- Habitual Criminal**, evidence on charge of being, S. 14, p. 325, S. 54, p. 976
- “Habitually”**, meaning of, S. 47, p. 943
- Handwriting**, acquaintance with, without seeing a person write, S. 47, p. 942  
comparison of, by the court—Its meaning, value and use, S. 73, p. 1180  
determination of age of, S. 45, p. 921  
different kinds of, S. 47, p. 937  
different modes of proving, S. 47, p. 937, S. 67, p. 1116, S. 73, p. 1164  
direction to accused under S. 73 to give specimen, does not offend art. 20(3) of Constitution, S. 73, p. 1171  
expert evidence only, no conviction on, S. 45, pp. 915, 929  
marks, whether, included, S. 47, p. 939, S. 67, p. 1120, S. 68, p. 1128  
meaning and value of comparison of, S. 73, p. 1181  
meaning of acquaintance with, S. 47, pp. 935, 940  
meaning of seeing a person write, S. 47, p. 941  
meaning of, “habitually” submitted, S. 47, p. 943  
opinion as to, when relevant, S. 47, p. 934  
opinion of experts on, S. 45, pp. 860, 912  
opinion of non-experts on, when relevant, S. 47, pp. 934-35  
presumption as to, of ancient documents, S. 90, p. 1242  
proof of, by direction a witness to write, S. 73, p. 1170  
proof of, S. 45, p. 912, S. 67, p. 1114  
science of, not exact science, S. 45, p. 922  
taken from accused for comparison is not admission, S. 25, p. 511  
value of expert opinion on, S. 45, p. 915
- Handwriting expert**, opinion of, when advising both sides, S. 45, p. 874
- Hath-Chitta**, oral evidence to supplement contents of, S. 92, p. 1364
- Hatchitta books**, S. 34, p. 771
- Heading**, sections in Act, use of in interpretation, Preamble, p. 23
- Hearsay**, admissions, in, S. 17, p. 365  
cross-examination, not admissible in, S. 138, p. 2172  
evidence of family tradition and usage, S. 50, p. 954  
evidence to establish custom, S. 13, p. 288  
evidence when admissible, S. 60, p. 1047  
exceptions to the rule of, S. 32, p. 626  
exceptions to the rule under English Law, S. 32, p. 628  
meaning of, S. 3, p. 47  
memory cannot be refreshed by document containing, S. 159, p. 2296  
relevancy of facts, as, S. 6, p. 163  
statements admissible under s. 32 are exceptions to the rule, S. 32, p. 626  
statements held inadmissible on question of relationship, S. 32, p. 720  
term, not used in the Evidence Act, S. 60, pp. 1042, 1046  
witness giving, evidence should be stopped, by court, S. 5, p. 90
- Hearsay Evidence**, home office records, S. 60, p. 1045  
rule not to apply, to any evidence given in connection with the upbringing, maintenance or welfare of a child, S. 60, p. 1053
- High Court**, power of, in criminal cases under Letters Patent, S. 167, p. 2349
- “Highly Probable”**, meaning of, S. 11, p. 261
- Hindu Law**, adoption of—burden of proof, S. 104, p. 1488, S. 114, p. 1711  
alienation by guardian or manager of—burden of proof, S. 104, p. 1489  
alienation by shebait of—burden of proof, S. 104, p. 1489

**Hindu Law Contd.**

- alienation by widow of—burden of proof, S. 104, p. 1490
- family customs of—presumptions, S. 114, p. 1715
- inheritance of—burden of proof, S. 104, p. 1490
- joint family of—burden of proof, S. 104, p. 1491
- persons adopting Hindu customs and living as joint families, are governed by the, of coparcenary, S. 114, p. 1715
- presumption as to acquisitions in, S. 114, pp. 1712-13
- presumption of adoption in, S. 114, p. 1711
- presumption of joint family in, S. 114, p. 1711
- presumption of joint property in, S. 114, p. 1711
- presumption of, as to acquisitions by a Hindu widow with the income of her husband's estate, S. 114, p. 1716
- presumption of, as to endowments, S. 114, p. 1715
- rules of, relating to evidence, are repealed, S. 2, p. 33
- self-acquisition of—burden of proof, S. 104, p. 1491 (See, *Burden of Proof, Presumption*)

**Hindu Marriage Register**, public document, is, S. 74, p. 1194

**History**, court may resort to books on matters of public, S. 57, p. 1009  
judicial notice on matters of public, S. 57, p. 993

**Holiday**, judicial notice of, S. 57(9), p. 994

**Home office records**, not within a class of document, S. 60, p. 1045

**Horoscope**, admissibility of statements made in, S. 32, pp. 719, 723  
admissible under S. 32(5) but it must be prepared by one who had special means of knowledge, S. 32, pp. 719, 723  
refreshing memory, can be used for, S. 32, pp. 719, 723

**Hospital records**, statements made under special circumstances, S. 34, p. 771

**Hostile witness**, adverse testimony merely giving does not make, S. 154, p. 2249  
adverse witness is not necessarily a, S. 154, p. 2248  
court's discretion as to determination of, S. 154, p. 2249  
cross-examination of a party's own witness when allowed, S. 154, p. 2252  
effect of cross-examining a, S. 154, p. 2255  
mode of obtaining permission to cross-examine a, S. 154, p. 2252  
reliance on, S. 5, p. 143  
what is a, S. 154, p. 2249  
witness tendered without examination cannot be cross-examined as, S. 154, p. 2252

**Hostilities**, judicial notice of, S. 57(11), pp. 994, 1007

**House-breaking**, opinion on, S. 45, p. 892

**Husband And Wife**, admissions by wife as against, S. 18, p. 387  
communications between, during marriage are privileged, S. 122, p. 1981  
competent as witness against each other, S. 120, p. 1972  
consent must be express, S. 122, p. 1987  
criminal conspiracy between, S. 10, p. 243  
evidence of, as to legitimacy of child, S. 112, p. 1623  
privilege applies to any kind of communication, S. 122, p. 1986  
privilege whether extends to overheard statements, S. 122, p. 1986  
privilege, applies to communications during marriage but not "acts", S. 122, p. 1986  
privilege, can be waived only by the spouse who made the communication, S. 122, p. 1987  
privilege, nature and extent of, S. 122, p. 1984  
representative of, may give consent to disclosure of communication, S. 122, p. 1987  
widow of a dead person is not a representative in interest for giving consent, S. 122, p. 1987

**Hypothetical Questions**, meaning of, S. 45, p. 878  
experts, to, S. 45, p. 878  
when questions need not be, S. 45, p. 884 (See, *Expert*)

- Identification**, absence of T.I. parade, S. 9, p. 215  
accused declining to participate in T.I. parade, S. 9, p. 212  
accused, of, precautionary measures for, S. 9, p. 227  
admissibility of evidence for corroboration, S. 157, p. 2285  
bullet marks for, S. 9, p. 233  
confrontation inadmissible at photofit picture stood admissible, S. 9, p. 210  
court, in S. 9, p. 231  
essentials, S. 9, p. 210  
evidence of, test or parade, S. 9, p. 210  
evidence, when to be accepted, S. 9, pp. 209-218  
failure to hold T.I. parade, when fatal, S. 9, p. 214  
flood light, in, S. 9, p. 224  
improvement made by witnesses regarding description of accused, S. 9, p. 211  
investigation stage, belongs to, S. 9, p. 214  
lantern light, in, S. 9, p. 224  
light insufficiency of, S. 9, p. 216  
light, S. 9, p. 224  
manner of holding T.I. parade, S. 9, p. 221  
mistake in, effect, S. 9, p. 211  
mode of, of accused by questioning a witness in a leading form, S. 142, p. 2201  
moonlight night, in, S. 9, p. 224  
motor car tyre marks, S. 9, p. 233  
nature, S. 9, p. 210  
non-conducting of T.I. parade, S. 9, p. 211  
object of test identification parade, S. 9, p. 213  
oral testimony of magistrate, S. 9, p. 211  
ornaments, of, S. 9, p. 213  
parade, S. 9, p. 210  
photofit picture, S. 9, p. 210  
photograph of culprit published in newspaper, S. 9, p. 212  
photograph, on the basis of S. 9, p. 227  
photographs for, S. 9, p. 209  
proceedings, whether evidence, S. 9, p. 220  
promptness in holding T.I. parade, S. 9, p. 214  
relevancy of facts, S. 6, p. 163  
stolen article, of, S. 9, p. 213  
T.I. parade, delay in holding, S. 9, p. 222  
T.I. parade, failure to hold, S. 9, p. 226  
T.I. parade, manner of holding, S. 9, p. 221  
T.I. parade, precautions, S. 9, p. 222  
T.I. parade, procedure to be followed, S. 9, p. 229  
T.I. parade, refusal to participate in, S. 9, p. 226  
test parade, when not necessary, S. 9, p. 212  
test, S. 9, p. 210  
typewritten document, of, S. 45, p. 895  
value of, evidence, S. 9, pp. 210, 211, 218  
video tape, through, S. 9, p. 227  
voice, by, S. 9, p. 224  
weak evidence, S. 9, p. 210  
who can hold test identification parade, S. 9, p. 225  
witness, by since deceased, S. 9, p. 210
- Identity**, accomplice evidence must be corroborated by evidence of, of each accused, S. 133, p. 2102  
admission as to, of drug, S. 18, p. 371  
before admission of previous deposition of witness, must be established, S. 33, p. 737, S. 80, p. 1222

**Identity Contd.**

- mode of proving identity of thing or person, S. 9, p. 207
- party to an attested document, of, S. 68, p. 1129
- paternity, question of, S. 9, p. 232
- relevancy of decrees to prove, of tenure, S. 9, p. 232
- relevancy of fact which establish, of person or things, S. 9, p. 202
- "similar facts", as to admissible when, S. 15, p. 349
- speaker, of, over the telephone, S. 60, p. 1048
- superimposed photograph over skeleton, S. 9, p. 209
- tenure, of, S. 9, p. 232
- Ignorance of Law**—application of the maxim relating to, S. 14, p. 331
- Ill-will** relevancy of facts showing, S. 14, pp. 309, 333
- Illegal Gratification**, evidence of receipt of similar but unconnected instances of, not relevant, S. 5, p. 89, S. 6, p. 166 (See, *Bribe*)
- Illegality**, court may take notice of, though not raised in pleadings, S. 92, p. 1352
  - law presumes against, S. 114, p. 1716
  - parole evidence may be given to show of written contract, S. 92, p. 1351
- Illegible Characters**, evidence may be given to show the meaning of, S. 98, p. 1434
- Illiterate**, proof of letter of, by reference to contents, S. 67, p. 1120
- Illustrations**, effect, Preamble, p. 22
- Immunity**, witnesses, available in criminal cases, S. 123, p. 2013
- Impartiality**, questions asked, tending to impeach witness's, S. 146, pp. 2224-25 (See, *Credit*)
- Impeaching Credit**, cross examination, S. 138, p. 2171
  - modes of, of a witness, S. 146, p. 2225, S. 148, pp. 2230-31
  - witness, of, S. 155, p. 2259
- Imperial Serologist**, certificate of, S. 45, p. 899
- Improper Admission or Rejection of Evidence**, is itself no ground for a new trial, S. 167, pp. 2335, 2337
  - civil cases, S. 167, p. 2340
  - criminal cases, S. 167, p. 2345
  - discretion to exclude confession admitted earlier, S. 167, p. 2348
  - High Court's power under Letters Patent in cases of, S. 167, p. 2349
  - Judge's knowledge of character of witness, S. 57, p. 1020, S. 122, p. 1981, S. 167, p. 235
  - jury trial, whether, a ground for setting aside conviction in, S. 167, p. 2347
  - objection without—effect of, S. 167, p. 2344
  - reception of unstamped or improperly stamped document, S. 167, p. 2344
- Incest**, relevancy of previous similar acts as to, S. 15, p. 346
- Income Tax**, admissibility of, return or assessment order, S. 74, p. 1194, S. 77, p. 1206
  - applicability of Act, to proceedings, S. 1, p. 31
  - burden of proof of income when assessing, S. 104, p. 1493
  - certified copy of, return if public document, S. 74, p. 1194, S. 77, p. 1206
  - documents in S. 54 (now S. 173) of, Act how far protected from disclosure, S. 74, p. 1195, S. 122, p. 2009
  - officer whether bound to produce documents summoned by court, S. 123, p. 2009
  - privilege as to documents mentioned in S. 54 (now S. 173) of, Act, S. 123, p. 2009, S. 124, p. 2016
- Incompetency**, of witness, S. 118, p. 1953
  - mode of ascertaining, of witness, S. 118, p. 1955
- Incriminating**, admissibility of admission of incriminating fact to the police not amounting to confession, S. 25, p. 506
  - admission of a gravely, fact is not of itself a confession, S. 24, p. 421

**Incriminating Contd.**

- extent of privilege of witness in answering, questions, S. 132, p. 2064
- questions to accused when he is a defence witness, S. 132, p. 2071
- relevancy of, documents found in the possession of a person or accused, S. 8, p. 201
- statement in order to be a confession must substantially admit all the facts constituting the offence, S. 24, p. 424
- statement to police whether evidence of conduct, S. 8, p. 193
- witness not excused from answering, questions, S. 132, p. 2059

**Incrimination**, disclosure when tend to incriminate, S. 132, pp. 2059, 2064

**Indecency**, relevancy of photographs on charge of, S. 14, p. 325

**Indecent assault**, unsworn testimony of a child, S. 118, p. 1956

**Indecent Exposure**, similar evidence on a charge of, S. 15, p. 346

**Indecent Questions**, court may forbid, S. 151, p. 2235

- facts in issue, allowed, if they relate to, S. 152, p. 2070

- propriety or impropriety of asking, by advocate, S. 152, p. 2240

**Independent**, accomplice evidence must be corroborated by testing, S. 133, p. 2102

testimony, what is, S. 133, p. 2106

**Independent witness**, S. 5, p. 129

**India, defined**, S. 3, p. 38

- State of J&K excluded, S. 3, p. 38

**Indian Law**, meaning of, S. 57, p. 1001

**Indian Succession Act, 1925**, saving of provisions of, S. 100, p. 1442

**Inducement**, confession made after removal of impression caused by, S. 28, p. 575

- confession obtained by, S. 24, p. 412, S. 24, pp. 418, 451

- non-operation of, S. 24, p. 456

- onus of proving, S. 24, p. 456

- production of document as result of, S. 24, p. 456

- tender of pardon, S. 24, p. 461 (See, *Confession*)

**Industrial Tribunal**, Evidence Act does not apply to, S. 1, p. 31

- rules of natural justice apply to, S. 1, p. 32

**Infant**, estoppel, against on account of misrepresentation as to age, S. 115, p. 1857

- oath to, witness, (See, *Child*)

- when competent as witness, S. 118, p. 1955

**Inferences**, court may draw unfavourable, from witness's refusal to answer relevant and proper question, S. 148, p. 2231

- presumptions distinguished, S. 114, p. 1642

- promiscuity, of consent from, S. 155, p. 2273

- statements suggesting, as to facts in issue and made by a person are admissions, S. 17, p. 356

- (See *Presumption*)

- when amount to conclusive presumptions, S. 4, pp. 77, 79

**Inflation**, presumption of rise in price, S. 114, p. 1716

**Informant's Identity**, Crown's right to discover, S. 132, p. 2063

- Crown's right to recover secret document for discovering, witnesses, S. 132, p. 2063

**Information and Belief**, admissibility of statements made in affidavits on, App. A, p. 2357

**Information**, admissions by persons expressly referred to for, S. 20, p. 391

- discovery of fact, leading to, is admissible although non-voluntarily or improperly obtained, S. 27, p. 537

- magistrate or police officer not to disclose, as to commission of crime, S. 125, p. 2019

- meaning of, in S. 27, S. 27, p. 550

- police custody, how much of, received from accused in, may be proved, S. 27, pp. 521, 560

- privilege regarding, as to commission of crime, S. 125, p. 2022

- Informer**, not an accomplice, S. 133, p. 2088
- Inheritance**, burden of proving of when succession is not governed by ordinary law, S. 104, p. 1490
- Injured Person**, admissibility of statement, of, S. 6, p. 166
- Injured witness**, S. 5, p. 139
- Injuries**, distressed condition as corroboration, S. 134, p. 2138  
failure to explain, on accused, S. 5, p. 119
- Innocence**, defence of, to rebut, relevancy of facts, S. 15, p. 348  
presumption in favour of, is good until disproved, S. 104, p. 1474, S. 114, p. 1717  
presumption in favour of, S. 104, p. 1474, S. 114, p. 1717  
presumption of, also applies in civil cases, S. 114, p. 1717
- Insanity**, presumption against, S. 114, pp. 1638, 1728
- Inscription**, flags, placards, on labels &c, S. 64, pp. 1075, 1099  
metal plates, on, is document, S. 3, p. 38  
tombstones, on, S. 32 (6), pp. 622, 722
- Insolvency**, finality of judgement of court of, jurisdiction (S. 41), S. 41, pp. 826, 832
- Insolvency jurisdiction**, S. 41, p. 94  
relevancy of certain judgments, S. 41, p. 826
- Insolvent**, admission of an, after act of insolvency, S. 18, p. 384  
evidence taken in the public examination of and cannot be used against a third party, S. 18, p. 384
- Inspection**, court has power of, of all documents, other than documents relating to affairs of State, S. 123, p. 1990, S. 162, p. 2312  
document produced for, of court is evidence, S. 3, p. 38  
documents shown to witness while under cross-examination, S. 145, p. 2211  
documents used for refreshing memory, of, S. 161, p. 2308  
material given by court, of by production, S. 60, p. 1038, S. 61, p. 1055  
papers given to a witness for purposes other than refreshing memory, S. 161, p. 2208  
police diaries, of, S. 160, p. 2304  
power of, of privileged document by court, S. 123, p. 1990, S. 162, p. 2312  
public document, of, S. 74, p. 1189  
registers of corporations, of, S. 74, p. 1191  
State document, of, by court, S. 123, p. 1990, S. 162, p. 2312  
share registers, of, S. 74, p. 1191  
special enactments conferring right of, S. 74, p. 1191
- Institutions**, estoppel, by educational institutions, S. 115, p. 1790
- Insulting Questions**, court may forbid, S. 152, p. 2235  
observation during examinations, S. 138, p. 2177  
propriety or impropriety of asking, by lawyer, S. 152, p. 2240
- Intention**, acts and conduct, may be inferred from, S. 14, p. 325  
admissibility of collateral facts to prove, S. 14, p. 325  
admissibility of extrinsic evidence of, for contradicting the terms of a contract, S. 92, p. 1330  
burden of proof of, S. 106, p. 1540  
declaration of, in regard to wills, S. 92, p. 1400  
facts showing the existence of, S. 14, p. 313  
facts showing, S. 14, p. 309  
fraudulent, how to determine, S. 14, p. 325  
intentional representation in estoppel, what is, S. 115, pp. 1758, 1818  
presumption as to, S. 114, p. 1718  
previous and subsequent events to prove, S. 14, p. 315  
proof of, need not be direct, S. 14, p. 325  
transaction of the same kind done at the same time, S. 11, p. 264

- Interception of communication**, S. 60, p. 1049
- Interest**, admission by a party having pecuniary or proprietary, S. 18(1), p. 371  
admissions by persons from whom, parties have derived, S. 18(2), pp. 371, 382  
admissions by persons having joint, S. 18, p. 378  
admissions by representatives in, S. 18, pp. 376, 382, S. 21, p. 401  
admissions must be made during continuance of, S. 18, p. 381  
agreement extinguishing claim of, S. 92, p. 1380  
books relating to matters of general, S. 57, p. 1009, S. 87, p. 1238  
declarations by deceased persons against, S. 32 (3), p. 691 (See, *Declaration*)  
entries against, need not be contemporaneous, S. 32, p. 687  
entry of collateral facts in statements against, S. 9, p. 205  
meaning of against, S. 32 (3), p. 695  
meaning of representative in, in S. 33, S. 33, p. 743  
opinion of dead persons as to the existence of matters of public or general, S. 32 (4), pp. 703, 705  
oral agreement foregoing or reducing, in registered document, S. 92, p. 1381  
relevancy of statement against, S. 32 (3), p. 691, S. 32 (3), p. 697  
silence as to, in document, S. 92, p. 1363  
statements against, when receivable under Ss. 18, 21 and 32(3), p. 691
- Interest of Justice**, must be weighed against the claimed public interest, S. 123, p. 2013
- Interested**, witness, S. 134, p. 2139
- Interpretation**, clause, S. 3, p. 39  
documents, of, S. 93, p. 1406  
documents, rules as to, of, S. 93, p. 1407  
rules as to, statutes, preamble, p. 12  
wills, rules as to, of, S. 92, pp. 1401, 1403
- Interpretation of statutes**, general words, preamble, p. 16  
general, preamble, p. 12  
legal fiction, preamble, p. 16  
legislative intent, preamble, p. 12  
mandatory enactments, preamble, p. 17  
object of legislature, preamble, p. 12  
plain meaning, preamble, p. 12  
points specifically dealt with preamble 16  
policy, preamble, p. 14  
reference statutes, preamble, p. 17  
remedial statutes, preamble, p. 17  
retrospectivity, preamble, p. 19  
Special Acts, preamble, p. 17
- Interpreters**, S. 126 applies to, S. 127, p. 2046  
contents of documents to be kept secret, S. 162, p. 2309  
punishment for disobeying court's direction, S. 162, p. 2309
- Interrogation**, confession in answer to, relevant, S. 29, p. 584
- Interrogatories**, affidavits in answer to, App. A, p. 2358  
statements in answer to, of one defendant cannot be taken against co-defendant, S. 18, p. 379
- Intimidation**, confession obtained by, S. 24, pp. 412, 418  
may be proved to invalidate a document, S. 92, p. 1351
- Invalid Search & Seizure**, confession as to certain articles seized in an, to be relevant in evidence, S. 29, p. 582
- Investigating officer**, non-examination of, presumption, S. 114, p. 1689  
recording of dying declaration by, S. 32 (1), p. 653
- Investigations**, Companies Act, witnesses, S. 132, p. 2063

**Irrelevant, (See, Relevancy)**

**Isamnavisi Papers**, corroborative evidence, are admissible as, S. 34, p. 771

**Issue**, collateral, S. 5, p. 85

estoppel and non-parties, S. 115, p. 1912

estoppel, S. 115, p. 1912

evidence may be given of facts in, S. 5, p. 83

expression, "and of no others" in s. 5, precludes a litigant from proving any facts not in, S. 5, p. 89

meaning of facts in, S. 3, pp. 37, 43 88

presumption that a man died without, no, S. 114, p. 1719

questions in, must have been substantially the same in order to make deposition admissible under, S. 3, p. 41, S. 33, p. 752

test purchase of liquor by a police officer in plain clothes, S. 5, p. 96

**Issue Estoppel**, consent proceedings as to jurisdiction, and, S. 115, p. 1913

criminal verdict, out of, S. 115, p. 1914

dismissal of appeal by consent, S. 115, p. 1914

divorce proceedings, and consent proceedings as to jurisdiction, and, S. 115, p. 1913

divorce proceedings, when mutually consented to jurisdiction of court, S. 115, p. 1913

doctrine of, no relevance to judicial review, S. 115, p. 1913

foreign judgment, under, S. 115, p. 1914

judicial review, and, S. 115, p. 1913

jurisdiction, and, S. 115, p. 1913

**Jamabandi Papers**, corroborative evidence, can be used as, S. 34, p. 770

entries in, not proof of title, S. 114, p. 1719

meaning of, S. 34, p. 770

public document, when, S. 74, p. 1194

value of, S. 34, p. 770

**Jamawasilbaki Papers**, meaning of, S. 34, p. 769

corroborative evidence, S. 34, pp. 769, 770

refreshing memory, may be used for, S. 34, p. 770

**Joint Contractors**, admission by, S. 18, p. 382

**Joint property**, onus of proving, S. 104, p. 1491

presumption as to, S. 104, p. 1491, S. 114, pp. 1711, 1714

**Joint Tenants**, admission by, S. 18, p. 378

**Joint Trial**, admissibility of confession of co-accused, S. 30, p. 596

plea of guilty of one accused, S. 30, p. 598

**Judge**, court includes a, S. 3, p. 37 (See, *Court*)

duty of, in deciding relevancy in criminal case, S. 136, p. 2153

duty of, in examination of witnesses in civil cases, S. 135, p. 2148

duty of, in examination of witnesses in criminal cases, S. 135, p. 2148

power of, to call a witness at his own instance, S. 165, p. 2326

power of, to put any questions, or order, production of any documents, S. 165, pp. 2318, 2326, 2327

production of documents, forbidden by law, cannot ask questions or order, S. 165, pp. 2318, 2332, 2160

questions as to his conduct in court, not compellable to answer, S. 121, p. 1975

rule as to leading questions does not apply to, S. 165, pp. 2318, 2326

use of personal knowledge of, S. 5, p. 148, S. 167, p. 2351

witness as in a case tried by himself, S. 121, p. 1979

**Judgment**, admissibility of abstract of pleadings in, S. 43, p. 844

admissibility of recitals in, S. 43, p. 844

admissions recorded in, S. 35, p. 789

criminal court of when relevant in civil cases, and *vice versa*, S. 43, p. 845

**Judgment Contd.**

- custom relating to existence of, S. 13, pp. 291, 303
- estoppel by, S. 115, p. 1748
- former, S. 9, p. 232
- forum of suit to set aside fraudulent, S. 44, p. 858
- fraud or collusion obtained by, S. 44, p. 848 (See, *Fraud*)
- general rules applicable to, collateral matters never evidence of any, S. 40, p. 819
- general rules applicable to, conclusive of its existence as distinguished from its truth, S. 40, p. 818
- general rules applicable to, conclusive of its truth in favour of the judge, S. 40, p. 818
- general rules applicable to, fraud is impeachable on the ground of, want of jurisdiction, &c. S. 40, p. 819
- general rules applicable to, *in personam* is conclusive proof in subsequent proceedings between the
- general rules applicable to, *in rem*, is conclusive against all persons including strangers, S. 40, p. 818
- general rules applicable to, S. 40, p. 818
- in *rem* whether conclusive in civil and criminal cases, S. 41, pp. 828, 833
- in *rem*, S. 41, p. 826
- issue estoppel under a foreign, S. 115, p. 1914
- jurisdiction, S. 44, p. 851
- legitimacy, adoption &c, on questions of, S. 41, p. 833
- matters of public nature, S. 42, pp. 834, 834
- mode of setting aside a fraudulent and collusive, S. 44, p. 857
- object for which, is admissible, S. 43, p. 842
- perjured evidence or false claim no ground for setting aside, S. 44, p. 859
- presumption as to certified copies of foreign, S. 86, p. 1236
- previous, in a criminal case, S. 40, p. 304
- previous, in cases involving custom, right, &c, S. 13, p. 303
- previous, relevancy of, Ss. 40 to 44, pp. 816-848
- probate, matrimonial, admiralty or insolvency jurisdiction, S. 41, pp. 826, 831, 832
- production of, does not prove the correctness of the previous decision, S. 43, p. 844
- recitals in, presumption, S. 114, p. 1719
- relevancy of other, S. 43, p. 837
- relevancy of, not *inter partes*, S. 13, pp. 282, 298
- relevant when, S. 40, p. 816
- res judicata* in criminal cases, S. 40, p. 824
- res judicata*, when operates as, S. 40, pp. 821, 823
- same parties of the matters actually decided, S. 40, p. 818
- statement in, containing admission is relevant, S. 40, p. 816
- Judgment of Courts of Justice**, evidence of acquittals, S. 40, p. 825
- relevancy, evidence of convictions in other cases, S. 40, p. 826
- Judicial Acts**, presumption as to regularity of S. 114(e), p. 1659
- Judicial Notice**, accession, of sovereign, S. 57, pp. 993, 1004
- appellate or revisional, may be taken at any stage, S. 57, p. 998
- appropriate books etc., S. 57, p. 1011
- books of which, not taken, S. 57, p. 1013
- books resorted to by courts, S. 57, p. 1011
- chronicles of public and general histories, S. 57, p. 1010
- constitutional and political matters, S. 57, p. 1008
- court may refuse to take, when, S. 57, p. 1013
- court to take, certain, facts, enumerated in, S. 57, p. 994
- custom, S. 57, p. 1019
- custom or law of road, S. 57, p. 1009
- dictionaries, S. 57, p. 1011

**Judicial Notice Contd.**

- disturbance in August 1947, S. 57, p. 1016
  - enquiries by Court in order to take, S. 57, p. 1014
  - facts judicially noticed need not be proved, S. 57, p. 994
  - facts of which court may take, S. 57, p. 994
  - general custom, S. 57, p. 1019
  - geographical divisions, S. 57, p. 1007
  - law and order situation in country, S. 57, p. 1017
  - list of books referred to by courts, S. 57, p. 1011
  - list of facts in s. 57 of which courts shall take is not exhaustive, S. 57, p. 999
  - matters of common and general knowledge, S. 57, p. 1015
  - matters of public history, literature, science, &c by reference to appropriate books, S. 57, p. 1009
  - memory of judge at fault, S. 57, p. 1015
  - not conclusive, S. 57, p. 1021
  - notorious facts, S. 57, p. 1015
  - offensive weapons, S. 57, p. 1015
  - parliamentary commission, reports of, S. 57, p. 1016
  - personal knowledge of Judge, S. 57, p. 1020, S. 167, p. 2351
  - rules, regulations and bye-laws, S. 57, p. 1018
  - text books of academic interest, S. 57, p. 1018
  - upward trend in prices of land, S. 57, p. 1016
  - world wide economic depression, S. 57, p. 1016
- Judicial Proceedings**, confession in, S. 24, p. 431  
 meaning of, S. 1, p. 28, S. 33, p. 736, S. 80, p. 1217
- Judicial Record**, presumption as to certified copies, of foreign, S. 86, p. 1236
- Judicial Review**, issue of estoppel has no relevance to, S. 115, p. 1913
- Jurisdiction**, consent proceedings and issue estoppel, S. 115, p. 1913  
 effect of judgment of court without, S. 44, pp. 848, 851  
 issue estoppel, S. 115, p. 1913  
 meaning of, S. 44, p. 851  
 order made without, is null and void and inadmissible, S. 44, p. 852  
 presumption in favour of, S. 114, p. 1733  
 want of, and erroneous exercise of, S. 44, p. 851
- Juror, Jury**, competent witness, S. 118, p. 1970, S. 119, p. 1977  
 power of, to put questions, S. 166, p. 2332
- Jury**, confession, mental condition of person, judge to permit the evidence to go before, based on medical evidence, S. 25, p. 493
- Justice**, interest of justice must be weighed against the claimed public interest, S. 123, p. 2013
- Kanungo**, papers are evidence, S. 34, p. 771
- Khasra**, presumptive value, S. 114, p. 1720
- Kidnapping**, evidence of previous similar Acts, S. 15, p. 343
- Knowledge**, admissibility of collateral facts to prove, S. 14, p. 328  
 burden of proof when a fact is especially within a person's, S. 106, p. 1530  
 evidence to prove guilty, S. 14, p. 329  
 personal, of judge, S. 5, p. 148, S. 57, p. 1020, S. 167, p. 2351  
 presumption as to, of law, S. 14, p. 331  
 presumption of guilty, S. 14, p. 331  
 reference to books as sources of common, S. 57, p. 1013  
 relevancy of facts showing existence of S. 14, p. 309, 328  
 special means of, as to relationship, S. 32, p. 712, S. 49, p. 949  
 special means of, in giving opinion as to tenets, usages &c., S. 49, pp. 946-47

- Kulachar**, (Sec, *Primogeniture*)
- Lakheraj**, burden of proof, S. 104, p. 1508  
burden of proving, in suits for resumption and assessment of, S. 104, p. 1508
- Lambardar**, confession before, S. 24, p. 459
- Land**, market value, determination of, opinion of expert, S. 45, p. 892
- Land Acquisition Act**, burden of proving, when land is acquired under, S. 104, p. 1496
- Land grabbing**, S. 104, p. 1497
- Landlord**, estoppel whether, promising tenant to remain in house life time, S. 115, p. 1789
- Landlord and Tenant**, adverse possession between, S. 116, p. 1935  
burden of proof in suit for ejectment between, S. 104, p. 1482  
burden of proof in suit for enhancement, between, S. 104, p. 1484  
estoppel between S. 116, p. 1915 (See, *Estoppel*)  
presumption of continuance of relation of, S. 109, p. 1562  
relation of, how created, S. 116, p. 1942
- Latent Ambiguity**, admissibility of extrinsic evidence to explain, S. 95, p. 1420, S. 96, p. 1426, S. 97, p. 1430, 1431  
what is, S. 93, p. 1412 (See, *Ambiguity*)
- Law**, judicial notice of, S. 57(1), p. 993  
meaning of existing, S. 57, p. 100  
meaning of Indian, S. 57, p. 1001  
presumption as to knowledge of, S. 14, p. 331  
relevancy of statement as to any, contained in law book, S. 38, p. 809
- Law Books**, relevancy of statements in, published in any country under authority of Govt., S. 38 p. 809
- Law Reports**, authority of the Indian, S. 38, p. 809  
relevancy of, published in newspapers, S. 38, p. 810  
relevancy of rulings published in unauthorised, S. 38, p. 809  
statement of foreign law in, S. 38, p. 812  
unreported cases, relevancy of, S. 38, p. 809
- Leading Questions**, accused entitled to ask, in cross-examination, in support of defence though such facts were unconnected with the testimony in exam-in-chief, S. 142, p. 2204  
complicated matter, on, S. 142, p. 2202  
contradiction, for, S. 142, p. 2202  
court may allow, when, S. 142, p. 2201  
cross-examination, may be asked in, S. 143, p. 2203  
cross-examination, by, putting into witness's mouth the very words he is to echo-not allowed even in, S. 142, p. 2203  
examination-in-chief, must not be asked in, S. 142, p. 2199  
helping memory, for, S. 142, p. 2202  
hostile witness, to, S. 142, p. 2202, S. 154, p. 2249  
indentification, on question of, S. 142, p. 2201  
introductory or undisputed matters, allowed, S. 142, p. 2201  
meaning of, S. 141, p. 2198  
rule as to, does not apply to the judge, S. 165, pp. 2318, 2326  
rule that, may be asked in cross-examination is not unrestricted in its scope, S. 143, p. 2203 (See, *Question*)  
what are, S. 140, p. 2197
- Lease**, evidence of local or peculiar expressions in, S. 62, p. 1059  
option under, estoppel, S. 115, p. 1788  
oral agreements to modify or rescind registered, S. 92, p. 1381  
oral evidence of unregistered, or compromise decree creating, S. 91, p. 1284  
proof of oral agreement to, S. 92, p. 1380
- Legal Adviser**, admissions by, S. 18, p. 385

**Legal Adviser Contd.**

- communication to, must be distinguished from acts, S. 126, p. 2034
- communications by, in violation of duty, S. 126, p. 2043
- communications from third persons, to client or, for purpose of litigations, S. 129, p. 2049
- communications to, must be in the course and for the purpose of employment, S. 126, p. 2032
- communications to, must be confidential, S. 126, p. 2034
- communications to, "by or on behalf of his client", S. 126, p. 2036
- communications to, employed by two parties, S. 126, p. 2038
- communications to, for illegal purpose not protected, S. 126, p. 2040
- confidential communications, no one compelled to disclose, S. 129, p. 2048
- duration of privilege as to communications to, S. 126, p. 2031
- effect of admission by, on a point of law, S. 17, p. 368 (See, *Pleader, Attorney, Privileged Communication*)
- instances of communication to, held not to be privileged, S. 126, p. 2045
- instances of communications to, held to be privileged, S. 126, p. 2044
- privilege against person having a joint interest, no, S. 126, p. 2038
- privilege as to communications to, where does not exist, S. 126, p. 2037
- privilege as to communications to, not waived by volunteering evidence, S. 128, p. 2047
- privilege is client's, nor attorney's nor party's, S. 126, p. 2030
- privilege where there is litigation between and client, no, S. 126, p. 2045
- professional communications to, shall not be disclosed, S. 126, p. 2024
- rule in S. 126 confined to, S. 126, p. 2030
- waiver of privilege, S. 126, p. 2032

**Legal Character**, meaning of, S. 41, p. 829

**Legal fiction**, Preamble, p. 16

**Legal Professional Privilege**, communication between solicitor and expert witness, S. 126, p. 2043

**Legal Proof**, (See, *Proof*)

**Legislature**, answers given by Ministers in, admissible as admissions, S. 17, p. 366

- proceedings of, cannot be referred to for construction, Preamble, p. 20
- proceedings of, how to be proved, S. 78(2), pp. 1207, 1211
- promissory estoppel not applicable against, S. 115, p. 1775

**Legitimacy**, "access and non-access" in questions of, S. 112, p. 1613

- acknowledgment, by, S. 112, p. 1621
- birth during marriage conclusive proof of, S. 112, p. 1603 (See, *Access, Marriage*)
- blood grouping test, S. 112, p. 1608
- burden of proof of, S. 112, p. 1618
- evidence of parents as to of child, S. 112, p. 1623
- judgements on, S. 41, p. 833
- presumption of, from birth during marriage, S. 112, pp. 1603, 1615
- presumption of, is rebuttable, S. 112, p. 1615
- presumption of, how rebutted, S. 112, p. 1616
- presumption of, from filiation, S. 112, p. 1621
- statements of deceased persons on questions of, S. 32, p. 719

**Letters**, admissibility of, under S. 11, p. 263

- agreement in unregistered, to modify the terms of a registered contract, S. 92, p. 1381
- books & explanatory of, relevant facts, and, S. 9, p. 206
- contract in several, all must be proved S. 91, *illus (a)*, p. 1265
- facts relevant in proving despatch of, S. 16, *illus (a)*, S. 349
- finding of, and other papers in possession of a person may amount to admission by conduct, S. 8, p. 201, S. 10, p. 245
- incorrectly addressed, S. 16, p. 355
- intercepted, between respondents in divorce case not admissible, S. 9, p. 206
- marked "without prejudice", S. 23, p. 408, 410
- post-marks on—presumption, S. 16, p. 353

Letters *Contd.*

- posting of, is evidence of delivery, S. 16, p. 353
- presumption when, are put into post office, S. 16, p. 353, S. 114, p. 1674
- proof of conspiracy by, S. 8, p. 201, S. 10, pp. 245, 249
- proof of illiterate's, S. 67, p. 1120
- proof of posting of, S. 16, p. 352
- proof of unsigned, S. 67, p. 1120
- properly addressed and left with the servant—presumption, S. 16, p. 352
- registered post by—presumption, S. 16, p. 353, S. 114, p. 1674
- statement forming part of a series of, S. 39, p. 813
- Letters of Administration**, conclusive proof of title of grantee, S. 41, p. 829, S. 91, p. 1293
- loss of will, may be granted, S. 91, p. 1293
- Letters Patent**, High Court's power under, in criminal cases, S. 167, p. 2349
- Libel**, evidence of similar Acts, S. 15, p. 347 (See also, *Defamation, Damages*)
- Licensee**, estoppel of, in possession, S. 116, pp. 1915, 1945
- estoppel of, S. 117, pp. 1946, 1949
- estoppel of, patent, S. 117, p. 1950
- Lien**, whether witness can withhold production of, document on the ground of, S. 130, p. 2055
- Life**, burden of proving death when a person is shown to have been alive within 30 years, S. 107, p. 1552 (See, *Death*)
- nature of presumption as to, S. 108, p. 1558
- presumption of continuance of, S. 108, p. 1552
- Limitation**, for adverse possession—
- burden of proving, S. 104, p. 1463 (See, *Adverse Possession*)
- parol evidence to prove acknowledgment not in writing, S. 91, p. 1292
- S. 19 (now S. 18) of, Act does not exclude secondary evidence of acknowledgment in writing, S. 65, p. 1084, S. 91, p. 1291
- Limitation Act**, custom does not affect, S. 13, p. 289
- Liquor**, test purchase made by police officer, S. 5, p. 96
- Litem Motam**, (See, *Ante litem motam*)
- Literature**, court may resort to appropriate books, S. 57, pp. 994, 1001
- Local Custom and Usage**, (See, *Custom, Usage*)
- Local inspection**, comes within "matters before it" in S. 3, p. 56
- use of the result of, S. 3, p. 56
- Locker joint name**, presumption, S. 114, p. 1720
- Loss**, evidence of, of document, S. 65, p. 1093
- must be proved before a copy can be used S. 136 *illus (b)*, p. 2152
- original, of must be proved, before secondary evidence is given, S. 65, pp. 1077, 1093
- original, of, S. 65, p. 1094
- proof of, of document, S. 65, p. 1093
- proof of lost or suppressed will, S. 65, p. 1097
- record, of how to re-construct, S. 65, p. 1096
- suit on lost bond, when execution is denied, S. 104, p. 1469
- Lunacy**, admissibility of, proceeding, S. 14, p. 309
- order in, though not judgment, is binding on parties, S. 41, p. 833
- Lunatic**, when incompetent to testify, S. 118, p. 1953, 1968
- Magistrate**, admissibility of deposition before committing (Ss. 287, 288 Cr P C, 1898), S. 80, p. 1217, S. 145, p. 2214
- admissibility of oral confession before, not required to be recorded under S. 164 Cr P Code, S. 21, p. 397, S. 26, p. 515-17
- confession in presence of, while, in police custody, S. 26, p. 512

**Magistrate Contd.**

- "court" includes, S. 3, p. 37  
 inadmissibility of confession before, not recorded in accordance with Ss. 164 and 281 Cr P Code, S. 24, p. 478  
 interrogation by, about voluntariness before recording confession, S. 24, p. 481  
 mode of recording confession by, S. 24, p. 476  
 not compellable to answer questions as to his conduct in court, S. 125, p. 2019  
 not compellable to disclose source of information as to offence, S. 125, p. 2019  
 recording of dying declaration by, S. 32 (1), p. 653  
 warning by, need of before recording confession and want of warning or caution, S. 24, p. 481, S. 29, p. 585 (See, *Confession*)
- Magistrate's Court**, relevancy of statements, information supplied to, S. 35, p. 778
- Mahomedan Law**, presumption as to life and death in, superseded, S. 108, p. 1561  
 presumption of legitimacy according to, S. 112, p. 1621  
 presumption of puberty under, S. 114, p. 1720
- Maintenance**, sufficiency of means to pay decretal amount, S. 114, p. 1721
- Maintenance, Upbringing or Welfare of a Child**, hearsay evidence given in connection with, rule not to apply, S. 60, p. 1053
- Malice**, evidence is admissible to show, in slander &c, S. 14, p. 333  
 presumption, of, S. 114, p. 1720
- Malicious Prosecution**, malice in law may be presumed, S. 114, p. 1721  
 onus of proof in suits for, S. 104, p. 1479  
 presumption of malice in suits for damages for, S. 114, p. 1721  
 relevancy of order of criminal court in suits for, S. 13, p. 304, S. 43, p. 845
- Manager**, acknowledgment of debt by, of Hindu, family, S. 18, p. 377  
 admission by a, of Hindu family, S. 18, p. 377  
 alienation by, of joint Hindu family—burden of proof, S. 104, p. 1489
- Mandatory enactment**, interpretation of, Preamble, p. 17
- Maps**, admissibility on general principles, S. 36, p. 806  
 authority of Govt., made under, S. 36, p. 800  
 chittas, S. 36, p. 805  
 Collector, by, for any cause, S. 83, p. 1231  
 criminal cases, in, S. 83, p. 1231  
 document includes, S. 3, p. 38  
 evidentiary value of *thak*, S. 36, p. 803  
 evidentiary value of survey, S. 36, p. 801  
 information in, value of, S. 36, p. 800  
 prepared by commissioner for local investigation, S. 36, p. 806  
 presumption as to, S. 83, p. 1228  
 presumption as to published, S. 87, p. 1238  
 presumption of accuracy of Govt., S. 83, pp. 1228-29  
 presumption of accuracy of Govt., accuracy refers to drawing and not to other statements in, S. 83, p. 1228  
 private and public, S. 36, p. 800  
 private person, prepared by, S. 36, p. 798  
 public document, how far, S. 74, p. 1199  
 published, offered for sale and maps made by Govt., S. 36, pp. 797, 799  
 relative value of *thak* and survey, S. 83, p. 1230  
 relevancy of, under S. 13, S. 13, p. 304  
 relevancy of statement in, S. 36, p. 797  
 revenue survey, S. 36, p. 801  
 statements of facts made in published, S. 36, p. 797  
 survey, S. 36, p. 801

Maps Contd.

*thak*, evidentiary value of, S. 36, p. 803

*thak*, three kinds of, S. 36, p. 803

use of sketch, prepared by court during local investigation, S. 3, p. 57

value of, made of Government as private proprietor, S. 13, p. 304, S. 36, p. 805, S. 83, p. 1231

value of Renell's, S. 83, p. 1230

Marginal notes, Preamble, p. 21

cannot be referred to for construing Acts, Preamble, p. 21

Mark, attestation by, S. 68, p. 1142

handwriting whether includes, S. 47, p. 939

presumption as to, in ancient document, S. 90, p. 1252

signature distinguished, S. 47, p. 939, S. 68, p. 1141

Market Report—relevancy of, in newspapers, S. 81, p. 1225

Market Value—assessment of, land transactions in the neighbourhood admissible, S. 11, p. 265

Marriage, 'access' and 'non-access' during, S. 112, p. 1613

birth during, conclusive proof of legitimacy, 1484 (See, *Access, Legitimacy*)

birth within 280 days after dissolution of, is conclusive proof of legitimacy, S. 112, p. 1619

communication during, are privileged, (See, *Husband and Wife*), S. 122, p. 1981

communication during, privilege continues after death, S. 122, p. 1982

conduct of parties or established by reputation, inference from, S. 50, p. 954

dowry death, S. 113-B, p. 1627

evidence of parents to prove access or non-access, S. 112, p. 1623

presumption as to abetment of suicide, S. 113-A, p. 1626

presumption in favour of, S. 114, p. 1721

presumption of, from long cohabitation with habit and repute, S. 114, p. 1721

statements relating to any relationship by, S. 32(5) *illus (f)* and *(m)*, pp. 622, 623

statements relating to any relationship by, in any will or deed S. 32 (6) *illus (m)*, p. 622, 623

Marriage register, public document, is, S. 74, p. 1194

Married Woman, presumption as to abetment of suicide, S. 113-A, p. 1627, S. 113-B, p. 1630

Material impairment, burden of proof, S. 104, p. 1499

Material witness, non-examination of, S. 5, p. 142

Matrimonial cases, rules of proof in, S. 3, p. 60

Matrimonial Jurisdiction, judgments in, S. 41, p. 826

Matters, instances of, which are not required by law to be in writing, S. 91, p. 1292

production of document when evidence is given as to, in writing, S. 144, p. 2205

"May Presume", meaning of, S. 4, pp. 77, 79

Mechanics, opinion of, S. 45, p. 868

Medical abnormality, expert medical evidence on, S. 45, p. 865

Medical evidence, doctor's opinion about age, S. 5, p. 117

confessions, mental condition of person, to prevail on, based on, S. 24, p. 493

eyewitness, vis-a-vis, S. 5, p. 115

inconsistency with ocular evidence, S. 5, p. 115

value of, S. 45, p. 862

Medical Men, certificate of, S. 45, p. 900

competency of, expert, S. 45, pp. 875, 899

deposition of, without being called, S. 45, p. 898

hypothetical questions to, S. 45, p. 878, 880

mode of questioning, who have seen the patient of made *post-mortem*, S. 45, p. 879

post-mortem notes or report of, for refreshing memories, S. 159, p. 2296

reports by, under Ss. 292, 293 Cr P Code, S. 45, p. 898

value of opinion of, S. 45, p. 900

- Medical negligence claim**, duty of court in, S. 45, p. 911
- Medical Register**, relevancy of, S. 35, p. 791
- Memory**, (See, *Refreshing Memory*)
- Mental** (See, *Mind*)
- Mental Handicap**, prosecution can argue, without support of expert opinion, S. 45, p. 933
- Mental Patient**, evidence unreliable, S. 118, p. 1968  
witness, unreliable, S. 118, p. 1968
- Mesne Profits**, burden of proof, S. 104, p. 1499
- Metal plate**, inscription on, is document, S. 3, p. 38
- Mind**—admissibility of admission as to the existence of state of, relevant to the issue on behalf of maker, S. 21(2), pp. 394, 404  
character as affecting state of, S. 52, p. 964  
mental condition in fact, S. 3, p. 38  
relevancy of facts showing the existence of any state of, S. 14, p. 309, 313  
state of, must exist in reference to the particular matter in question, S. 14, p. 316, 334
- Minor**, admission by guardian of, S. 18, p. 384  
burden of proving that one is a, S. 104, p. 1500  
certificate of guardianship of, no evidence of minority, S. 35, p. 796  
estoppel against, S. 115, p. 1857  
fraudulent representation by, as to age, S. 115, p. 1859
- Mistake**, admission can be shown to have been made under a, S. 31, p. 619  
in fact or law invalidating contract S. 92, Pro (1), p. 1305, 1357  
parol evidence when admissible to prove, S. 92, p. 1358  
rectification of instrument, may be proved without, under S. 31 (now S. 26) S. R Act, S. 92, p. 1360
- Mitigation**, evidence of character in, of damages, S. 13, p. 270, S. 55, p. 982
- Mob**, cries of the, are relevant as explanatory S. 9 *illus (f)*, pp. 203, 233
- Moral Certainty**, S. 3, p. 56
- Moral Conviction**, legal proof, and, S. 3, p. 56  
rules of evidence cannot be departed from because there may be a strong, S. 3, p. 56
- Mortgage**, attestation of, bond, S. 68, pp. 1130, 1135  
admissibility of parol evidence to prove apparent sale to be a, S. 92, pp. 1330, 1333, 1338  
bond must be proved by at least one attesting witness, S. 68, pp. 1122, 1130, 1135  
—when is more than one attesting witness necessary, S. 68, p. 1122 (See, *Attestation*)  
bond unless properly proved cannot be used for any purpose, S. 68, pp. 1128-29  
burden of proof, in suit, S. 104, p. 1500  
containing assertion of title by mortgagor is admissible, S. 13, p. 307  
execution of, bond by *pardanshin* women, S. 68, p. 1140  
mortgagee bond by estoppel of mortgagor, S. 115, pp. 1880, 1909  
oral evidence to show that land was inserted in, only for registration, S. 92, p. 1327  
scribe of, if can be attesting witness?, S. 68, p. 1147  
unattested, bond is admissible as evidence of personal covenant, S. 68, p. 1130
- Motive**—circumstantial evidence, case based on, S. 8, p. 182  
decisive test, not, S. 8, p. 186  
evidence of bad character to prove, S. 54, p. 975, 980  
facts showing, relevant, S. 8, p. 171  
failure to establish, effect, S. 8, p. 186  
how ascertained, S. 8, p. 185  
importance or value of, S. 8, p. 182  
insufficiency of, S. 8, p. 183  
meaning of, S. 8, p. 182  
proof of, when not essential, S. 8, p. 187

**Motive Contd.**

- proof of, absence and want of, S. 8, pp. 183, 186
- proof of existence of, not necessary, S. 8, p. 182
- prosecution not bound to prove, S. 8, p. 186
- relevancy of facts showing, S. 8, p. 171, 176
- strained relationship between husband and wife, S. 8, p. 184
- strict evidence of, S. 8, p. 185
- trifling matters, S. 8, p. 183
- Motor accident**, liability of owner, S. 114, p. 1724
- Motor accident cases**, S. 45, p. 911
- Mukhia**, confession before, S. 24, p. 459
- Municipal**, secretary of a, Board is a public officer, S. 74, p. 1193
- Murder**, complicity in previous, S. 9, p. 206
  - evidence of similar occurrence on a charge of, S. 9, p. 206, S. 15, p. 347
  - "part of the same transaction" in, S. 6, p. 166
  - presumption in S. 114, *illus (a)*, may apply to, S. 6, p. 166, S. 114, p. 1653
- Mutation**, presumption, S. 114, p. 1727
- Muth**, confession before head of, S. 24, p. 459
- Natural witness**, S. 5, p. 141
- Nautical assessors**, S. 45, p. 893
- Negative**, absence of entry in books, S. 9, p. 206, S. 11, p. 263, S. 34, p. 768
  - burden of proof of, averments, S. 1447
- Negligence**, burden of proving, S. 104, p. 1501
  - cannot be presumed, S. 114, p. 1724
  - employer in an accident causing injury, expert opinion by a letter with report, relevancy, S. 45, p. 933
  - estoppel by, S. 115, p. 1833
  - evidence of previous, in accident, S. 14, p. 335
  - facts relevant to show, S. 14, p. 332
  - judgments passed on account of gross, of guardian &c, S. 44, p. 859
  - proximate cause of mistaken belief, must be, in estoppel, S. 115, p. 1833
  - relevancy of facts showing S. 14 *illus (n)*, S. 14, pp. 311, 332
- Negotiable Instrument Act, 1881**, S. 114, p. 1725
- Negotiable Instruments**—alterations in, S. 106, pp. 1543, 1551
  - characteristics of, S. 92, p. 1395
  - estoppel in regard to, S. 117, p. 1948
  - forged endorsement, bearing, S. 117, p. 1948
  - oral evidence as to terms in, S. 92, p. 1374
  - presumption as to, S. 114(c), p. 1655
  - S. 46 of, Act and oral evidence, S. 92, pp. 1376, 1395
- Negotiations**, without prejudice, privilege continues, S. 24, p. 412
- New Trial**, admission or rejection of evidence, not granted merely for improper, S. 167, p. 2335  
(See, *Improper Admission &c*)
- Newspaper**, admissibility of, S. 65, p. 1085, S. 81, p. 1225
  - market reports in, admissible, S. 81, p. 1225
  - meaning of, S. 81, p. 1224
  - presumption as to, S. 81, p. 1223
  - presumption as to, in S. 81 does not include that it was printed and published by whom it purports to be, S. 81, p. 1224
  - proof of its contents, itself is not, S. 65, p. 1085
  - refreshing memory by reference to, S. 159, p. 2298

**Newspaper Contd.**

- relevancy of articles in, not forming subject of charge, S. 14, p. 326
- relevancy of reports of cases published in, S. 38, p. 811
- reports found in possession of accused are not admissible in conspiracy cases unless they make the existence of the facts stated highly probable or improbable, S. 11, p. 264
- S. 81 of Act whether applies to, S. 81, p. 1224
- secondary evidence of facts, not, S. 65, p. 1085
- writer called as a, S. 65, p. 1085

'Newspaper rule', does not confine to breach of confidence, S. 132, p. 2062

**Nods and gestures**, dying declaration recorded on the basis of, S. 32 (1), p. 646

**Non-Experts**, opinion evidence of, S. 45, p. 865, S. 47, p. 935

- opinion of, on handwriting, S. 47, p. 935, S. 73, p. 1164

- opinion of, on right or custom, S. 48, p. 943

- opinion of, on the existence of public right or custom, S. 32, pp. 622, 706

- opinion of, as to relation expressed by conduct, S. 50, pp. 950, 957

**Non-parties**, estoppel issue, S. 115, p. 1912

- issue estoppel, S. 115, p. 1912

**Non-Production**, effect of, of document after notice, S. 66, p. 1108, S. 114, pp. 1680, 1685

- presumption arising from, of available evidence, S. 114, p. 1680

**Not Proved**, meaning of, S. 3, p. 38

**Notary Public**, judicial notice of seal of, S. 57 (6), p. 993

- power of attorney executed before, S. 85, p. 1233

**Notice**, actual or constructive, S. 14, p. 332

- affect of production on, and inspection by adverse party, S. 163, p. 2314

- agent to is notice to principal, S. 14, p. 332

- burden of proving, S. 104, p. 1502

- cases in which secondary evidence is admissible after, to produce, S. 65(a), p. 1077, *et seq*

- effect of refusal to produce after, S. 66, p. 1108, S. 114, p. 1680, S. 164, p. 2316

- entry in the order sheet of service of, whether raises a presumption of service, S. 114, p. 1666

- facts need not be proved of which the court shall take judicial, S. 56, p. 993

- implied, to produce in pleading, S. 66, p. 1110

- meaning of, S. 14, p. 331

- presumption of due execution, &c, of documents not produced after, S. 89, p. 1241

- presumption when, sent by post, S. 16, p. 353, S. 114, p. 1674

- privilege of third party to withhold production to title deeds after, S. 130, p. 2052

- procedure regarding, to produce, S. 66, p. 1107

- production of, document to be proved is itself, a, S. 66, p. 1109

- production of, party knows he will have to produce, S. 66, p. 1110

- production of, document has been obtained by fraud or force, S. 66, p. 1111

- production of, adverse party or his agent has the original in court, S. 66, p. 1111

- production of, loss of original is admitted, S. 66, p. 1112

- production of, person is outside jurisdiction, S. 66, p. 1112

- production of, court dispenses with, in fit cases, S. 66, p. 1112

- production of, case of counterparts, S. 66, p. 1113

- proper, what is, S. 66, p. 1107

- registered post, sent by, S. 16, p. 353 (See, *Letters*)

- registration whether amounts to, S. 14, p. 332

- rules as to, to produce, S. 66, p. 1104

- secondary evidence of documents shall not be given without, to produce, S. 66, p. 1104

- tenor and time of, S. 66, p. 1107

- waiver of, S. 66, p. 1113

**Notification**, extract from a newspaper about Government, is inadmissible, S. 81, p. 1224

- of Government how proved, S. 78, p. 1257

**Notification Contd.**

- relevancy of statement of fact of a public nature in a, published in gazette, S. 37, p. 806
- Number**, no particular, of witnesses required, for proof of facts, S. 134, p. 2126
- Oath**, accused person, no, unless he is a defence witness, S. 118, p. 1969, App. B, p. 2363  
affecting third party cannot be administered, App. B, p. 2364  
child witness, to, S. 118, pp. 1955, 1964, App. B, p. 2363  
effect of omission to administer, S. 118, p. 1965  
form of, immaterial, App. B, p. 2363  
interpreters, by App. B, p. 2362  
jurors, by, App. B, p. 2362  
power to administer, App. B, p. 2361  
saving of certain, App. B, p. 2361
- Oaths Act**, (44 of 1969), See, App. B, p. 2361
- Objection**, admissibility of document not generally allowed in appellate court, as to, S. 5  
admissibility of evidence must be pleaded then and there, S. 5, p. 92  
admissibility of secondary evidence in appeal, as to, S. 65, p. 1083  
confession on the ground of threat and its procedure, to, S. 24, p. 423
- Obscene book**, expert opinion on, S. 45, p. 865
- Obsolete Expressions**, evidence to show meaning of, S. 98, p. 1434
- Occasion**, facts, which are the, of facts in issue, S. 7, p. 169
- Offence**, burden of proof that, comes within Exception is on accused, S. 105, pp. 1515, 1522  
distinct, at different places intermixed and blended may form part of same transaction, S. 6,  
p. 163  
information as to commission of, no disclosure by magistrate or police officer of, S. 125,  
p. 2019-20  
presumption as to certain, (new) S. 111-A added by Terrorist Affected Areas (Special Courts)  
Act, 1984, w.e.f. 14-7-1984, S. 111-A, p. 1603
- “**Offensive weapons**”, court may take judicial notice, as to facts, S. 57, p. 1015
- Official Acts**, presumption as to regular performance of, S. 114, p. 1659
- Official Books**, correspondence in, S. 35, p. 791  
entries in, held admissible, S. 35, p. 778  
entries in, held inadmissible, S. 35, p. 794 (See, *Public Document, Public Record*)  
entries in public or, in performance of duty, S. 35, p. 774  
entry in, must be by proper officer, S. 35, p. 777  
how much of, is admissible, S. 35, p. 777
- Official Communication**, (See, *Official Confidence*)
- Official Confidence**—communication made in, S. 124, p. 2015  
meaning of, S. 124, p. 2015  
privilege as to communication in, how is to be claimed, S. 123, p. 2011, 2017  
privilege as to communication made in, S. 124, p. 2016  
public officer not to be compelled to disclose communications made in, S. 124, p. 2014
- Official document**, proof of, S. 78, p. 1257
- Omission**, administer oath, to, S. 118, p. 1965  
claim in schedule of debt, of is admission that no debt is due, S. 17, p. 369  
effect of, to cross-examine on essential points, S. 138, p. 2178  
estoppel by, S. 115, p. 1831
- Onus**, (See, *Burden of Proof*)
- Onus Probandi**, and burden of proof, S. 102, p. 1449
- Opinion**, deceased persons, by, as to the existence of any public right or custom, S. 32, p. 703  
difference between expert and ordinary witness, S. 45, p. 864  
expert, of, S. 45, p. 860

**Opinion Contd.**

- expert, fact bearing upon expert's, S. 46, p. 933
  - expert, when an expert sends a letter with his report, relevancy of facts, S. 45, p. 933
  - expert witness, of, is admissible, of, S. 45, p. 860
  - expressed by conduct when relevant, S. 50, p. 955
  - finger impression, as to, S. 45, p. 923 (See, *Expert*)
  - foreign law, as to, S. 45, p. 885
  - grounds of, when relevant, S. 51, p. 959
  - hand-writing, as to, S. 47, p. 934 (See, *Hand-writing*)
  - handwriting of non-experts, as to, S. 47, p. 934
  - living person, of as to existence of any right or custom, S. 48, p. 943
  - matrimonial offences, S. 50, p. 956
  - meaning of, S. 50, p. 992
  - medical men, of, S. 45, p. 900
  - non-experts, of, S. 45, p. 865
  - ordinary witness when receivable, of, S. 45, p. 865 (See, *Non-experts*), S. 47, p. 935
  - rejection of non-expert by court, S. 45, p. 933
  - relationship, on, S. 50, p. 950
  - relationship expressed by conduct as to, S. 50, p. 950, 955
  - relevancy of facts bearing upon, of experts, S. 46, p. 933
  - right or custom, as to existence of, S. 48, p. 943
  - science or art, as to, S. 45, p. 868
  - subject on which expert, may not be admitted, S. 45, p. 871, 883
  - usages, tenets, etc. as to, S. 49, p. 946
  - usages and tenets as to, S. 49, p. 946
  - witness of is generally inadmissible, S. 45, p. 863
- Opinion of expert**, advising both sides, when relevant, S. 45, p. 874  
 court may act without expert opinion in a case of evidence supporting mental handicap, S. 45 p. 933
- Opportunity**, relevancy of facts showing, of commission of crime, S. 7, p. 169
- Option**, under lease, estoppel, S. 115, p. 1788
- Oral**, proof of, Will, S. 104, p. 1514 (See, *Verbal*)
- Oral Admission**, relevancy of, of contents of document, S. 22, p. 405 (See, *Admission*)  
 S. 91 allows no exception in favour of, of contents of documents, S. 91, p. 1271
- Oral Agreement**, exclusion of evidence of, to prove terms of written contract &c., S. 92, p. 1305  
 exclusion of evidence of, to contradict, vary &c., the terms of written contract, S. 92, p. 1305  
 lease, to, S. 92, p. 1380  
 meaning of word 'oral' in S. 92, p. 1305  
 relevancy of contemporaneous, S. 92, pp. 106, 1371, 1390  
 rescind or modify a contract reduced to writing, to, S. 92(4), p. 1306  
 rescind or modify registered contract, to, S. 92, p. 1381  
 separate, as to matters silent, S. 92(2), pp. 1306, 1361, 1364  
 separate, not inconsistent with the terms of the contract, S. 92(2), pp. 1306, 1364  
 separate, constituting a condition precedent to the attaching of any obligation, S. 192(3), pp. 1306, 1368  
 subsequent, rescinding or modifying contract in writing, S. 92(4), pp. 1306, 1377, 1380
- Oral Confession**, admissibility of, by accused amounting to admission, S. 21, p. 394  
 admissibility of oral statement by accused under S. 164 Cr., p. Code other than confession, S. 24, p. 460  
 inadmissibility of, before magistrate not recorded under Ss. 164 and 281 Cr., p. Code, S. 24 p. 479, S. 26, p. 515 (See, *Confession*)
- Oral Evidence**, acknowledgment of debt required to be in writing, S. 91, p. 1291  
 admissibility of, in proof of original consideration, when note is inadmissible, for want of stamp, S. 91, p. 1275

**Oral Evidence Contd.**

- admissibility of, in proof of contents of written documents, inadmissible for non-registration, S. 91, p. 1281
- admissibility of, of confession of accused, S. 21, p. 397, S. 24, p. 487, S. 91, p. 1290 (See, *Oral Confession*)
- appreciation of, S. 59, pp. 1034, 1038
- capacity, want of, S. 92, p. 1353
- cases in which, cannot be substituted for written contract, S. 91, p. 1273
- collateral or independent facts, S. 91, p. 1297, S. 92, p. 1318
- conduct, of intention and act for varying a document, S. 92, p. 1330
- consideration, want of, S. 92, p. 1353
- contemporaneous oral agreement, S. 92, p. 1371
- contemporaneous oral or written agreement, S. 92, p. 1390
- contents of documents or terms of contract cannot be proved by, S. 59, pp. 1033, 1034, S. 90 p. 1263
- direct, must in all cases be, S. 60, p. 1038
- distinct subsequent oral agreement rescinding or modifying contract, reduced to writing, but not registered, S. 92, pp. 1377, 1380
- distinction between 'oral' and 'verbal', S. 32, p. 631
- documents involving unconditional undertaking, suretyship, S. 92, p. 1374
- exclusion of, by documentary, S. 91, p. 1265
- execution, want of, S. 92, p. 1353
- extinguishment of rights under a written registered contract, S. 92, p. 1387
- fraud, intimidation, illegality, want of due execution, want of failure of consideration, S. 92 p. 1349 *et seq.*
- illegality, S. 92, p. 1351
- implied contract, S. 92, p. 1367
- incomplete or informal document, S. 92, p. 1363
- incorrectness of recital as to consideration, S. 92, p. 1354
- independent collateral fact explanatory of the document, S. 92, p. 1367
- individual mistake, S. 92, p. 1357
- intimidation, S. 92, p. 1351
- meaning of, S. 3, p. 38
- mode of dealing with, S. 59, p. 1034
- mutual mistake, S. 92, p. 1358
- oral agreement inadmissible to contradict, vary or add to the terms of a written contract or matter required by law to be in writing, S. 92, p. 1205
- previous deposition falling within S. 33, S. 33, p. 736
- proof of adjustment of decree, S. 91, p. 1291
- proof of any matter, required by law to be in writing not allowed, S. 91, p. 1287
- proof of existence of contract or grant as distinguished from its terms, S. 91, p. 1303
- proof of facts by, S. 59, pp. 1033, 1034
- proper time to object when, is given in contravention of S. 91, S. 91, p. 1187
- registered contract, modify or rescind, S. 92, pp. 1377, 1381
- secondary, of deposition taken by Judge, S. 80, p. 1219, S. 91, p. 1291
- separate agreement as to matter silent, of, S. 92, p. 1361
- separate oral agreement constituting a condition precedent to the attaching of any obligation, S. 92, p. 1368
- terms of negotiable instruments, S. 92, pp. 1374, 1395
- trustworthiness of, in India and England, S. 59, p. 1035
- unilateral mistake, S. 92, p. 1358
- usage or custom to annex incidents to contract, S. 92, p. 1391
- when a witness may give, of statements as to contents of documents, S. 144, *Expln.*, p. 2205
- wills, S. 92, p. 1373

**Order**, admissibility of judgment, order &c not *inter partes* as transaction or instance, S. 13 pp. 279, 298

**Order Contd.**

- court has power to direct, of examination, S. 135, pp. 2141, 2146  
 evidence, of, in conspiracy cases, S. 10, p. 247  
 fresh trail, discretion to, S. 167, p. 2348  
 production and examination of witnesses, S. 135, pp. 2141, 2146  
 proof, of, when relevancy of one alleged fact depends upon another alleged fact being proved, S. 136, p. 2152  
 proof, of, as to execution and contents of documents when secondary evidence is to be given, S. 65, p. 1082  
 proof, of, as to corroborative evidence and evidence sought to be corroborated, S. 157, p. 2282
- Order**, proof of, S. 78(1), p. 1207
- Order-Sheet**, entry in, of service of notice whether raises a presumption of service, S. 114, p. 1666  
 public document, is a, S. 74, p. 1196
- Ordering out of court**, witnesses except the one under examination, S. 135, p. 2145
- Ordinary Course of Business**, (See *Course of Business*)
- Original Document**, (See, *Document*)  
 copies of public documents in certain cases to be as good as original (W.B. Amendment), S. 78-A, p. 1208
- Ornaments**, identification of, S. 9, p. 213
- Ossification test**, opinion of radiologist regarding age, S. 45, p. 886
- Overseas police record**, relevancy of entry in, S. 34, p. 771
- Overseas witness**, statement relevant by, on television linkage, S. 32, p. 632  
 witness by television linkage, allowed in English courts, S. 118, p. 1971
- Ownership**, admissibility of ancient documents as acts of, S. 32, p. 726  
 burden of proof as to S. 110, p. 1565  
 evidence of, of adjoining and distant land, S. 11, p. 263  
 presumption as to, of under-ground rights, S. 114, p. 1732, (See, *Title*)  
 presumption of, when evidence of possession is conflicting, S. 110, p. 1574  
 presumption of, from possession of one co-owner, S. 110, p. 1581  
 previous possession is evidence of, S. 110, p. 1567
- Pahanies**, public documents, are, S. 74, p. 1196
- Pais**, estoppel in, should be pleaded, S. 115, p. 1763  
 meaning of estoppel in, S. 115, p. 1762
- Palm Impressions**, expert opinion as to, S. 45, p. 924
- Panda**, admissibility of statement in books of, in proof of relationship, S. 32, pp. 717, 723
- Paper Book**, admissibility of, S. 63, p. 1072
- Parade**, relevancy of evidence of identification or test, S. 9, p. 210
- Pardanashin women**, applicability of the rule to persons who are not strictly, S. 111, p. 1601  
 burden of proof in transactions with, S. 111, p. 1595  
 presumption of undue influence in transactions with, S. 111, p. 1595  
 summary of law in regard to transactions with, S. 111, p. 1600  
 transactions with, independent advice necessary but not essential, S. 111, p. 1598
- Pardon**, tender of, whether amounts to inducement, S. 24, p. 461
- Parent**, admissibility of evidence of, to prove access or non-access on question of legitimacy, S. 112, p. 1623  
 burden of proving good faith of a transaction between, and child, S. 111, p. 1581 (See, *Good Faith, Confidence*)  
 evidence of resemblance of child to, S. 46, p. 936, S. 50, p. 957
- Pari Delicto**, law recognises no estoppel as between parties in, S. 115, p. 1864
- Parliament**, judicial notice of acts of and proceedings of, S. 57, p. 1003

**Parliament Contd.**

presumption as to private Act of, S. 81, p. 1223  
proceedings of, proof of, S. 78, p. 1211  
relevancy of recitals contained in Act of, S. 37, p. 806

**Parol, evidence in cases of doubt to explain written instrument, S. 98, p. 1436 (See, *Oral Evidence, Extrinsic Evidence*)**

evidence when written document is collateral, S. 91, p. 1297  
meaning of, evidence, S. 92, p. 1327  
S. 91 no exceptions under in favour of, admissions of a party, S. 91, p. 1271

**Parol evidence, telex instructions embodying part of conclusive instructions, S. 92, p. 1305**

**Part—distinct offences at different places intermixed and blended may form, of same transaction, S. 6, p. 163**

**Part Performance, doctrine of, S. 91, p. 1288, S. 115, p. 1848**

estoppel by, S. 115, p. 1846  
S. 54 T.P. Act, and, S. 91, p. 1288

**Parties (Party), admissibility of judgments in suits not *inter partes*, S. 13, pp. 279, 298**

admissions, to the proceeding for the purposes of, S. 18, p. 374  
disclosure to civil, of criminal evidence, S. 5, p. 97  
Divorce Act, are competent witnesses in proceedings under, S. 115, p. 1868  
meaning of same, in S. 33, S. 33, p. 743  
party to proceeding in S. 8 includes the accused person, S. 8, p. 194  
statements by, when amount to admissions, S. 18, p. 371

**Partisan witness, S. 5, p. 141**

**Partition—admissibility of oral evidence of prove fact of, S. 91, p. 1303**

fact of, cannot be proved by unregistered deed, S. 91, p. 1303  
oral evidence of fact of, as distinguished from its terms, S. 91, p. 1303  
papers, relevancy of, S. 13, p. 305, S. 35, pp. 785, 795  
relevancy of *butwara* map, chittas &c., S. 35, pp. 785, 795  
terms of, deed cannot be proved by oral evidence, S. 91, p. 1303  
unregistered, deed may be used for collateral purposes, S. 91, p. 1285

**Partners, acknowledgment of debt by, S. 18, p. 382**

admission by, S. 18, p. 382  
estoppel in the case of, S. 115, p. 1901  
letter by, immediately after retirement, S. 8, p. 193  
presumption of continuance of relation, S. 109, p. 1562

**Patent Ambiguity, extrinsic evidence not admissible to clear up, S. 93, p. 1405 (See, *Ambiguity*)**

what is, S. 93, p. 1412

**Paternity—admission of, in proceedings under S. 125 Cr.P. Code is irrelevant, S. 112, p. 1620**

evidence of resemblance relevant on questions of, S. 9, p. 232, S. 47, p. 934, S. 50, p. 957

**Patties, public documents, are, S. 74, p. 1196**

**Payment, acceptance of late, estoppel when, S. 115, p. 1788**

burden of proof to establish plea of or non-payment of consideration, S. 104, p. 1472  
burden of proving inaccuracy of recitals as to, of considerations, S. 104, p. 1472  
over-payments to employee, estoppel by, S. 115, p. 1788  
presumption in favour of, of rent of previous years, S. 114, p. 1733  
presumption of, arises when the document is in the hands of the obligor, S. 114, p. 1698

**Pedigree, admissibility of family, extracted from settlement record, S. 32, pp. 718, 725**

declarations in matters of, need not refer to contemporaneous events, S. 32, p. 714  
declarations of deceased persons in will, deed &c., made *ante litem motam* to prove matter of, S. 32(6), pp. 622, 722  
meaning of family, S. 32, p. 724  
oral tradition may be depended upon when regular record of birth and death is not maintained in the family, S. 32, p. 724

**Pedigree Contd.**

personal knowledge and belief of deceased, should be proved to have been prepared under, S. 32, pp. 722, 724

proof of family, by books, S. 32, p. 691 (See, *Genealogical Table*)

relevancy of, contained in decree, S. 32, pp. 722, S. 35, p. 789

statement as to family, drawn up by solicitor, S. 18, p. 387

**Penal Code**, burden of proving that the case of accused falls within exceptions of S. 105, S. 105, p. 1515

conspiracy as an offence under the, and S. 10 Evidence Act, S. 10, p. 242

**Peon's Return**, how far a public document, S. 74, p. 1197

**Perjury**, number of witnesses required in, cases, S. 134, p. 2134-35

perjured evidence no ground for setting aside a decree, S. 44, p. 859

silence in, case, S. 8, p. 201

**Person**, facts relevant to establish identity of, or thing, S. 9, p. 202

meaning of, in S. 115, S. 115, p. 1739

overseas witness, statement relevant, obtained on television linkage, S. 32, p. 633

witnesses, not party to proceedings, discovery against, S. 131, p. 2058

**Personal evidence**, S. 3, p. 46

**Photofit picture**, compiled at robbery, admissible, identification at confrontation inadmissible, S. 9, p. 210

**Photograph**, admissibility of, S. 63, p. 1067

admissibility of, for identification, S. 9, p. 210, S. 63, p. 1063

dimension of object, cannot be relied on to prove, S. 63, p. 1063

document, of words in, S. 3, p. 38

identification on the basis of, S. 9, p. 227

nude boys of on a charge of indecency, S. 9, p. 210

original of is secondary evidence of its contents S. 63 *illus (a)*, S. 63, p. 1063

**Place**, evidence of character of, S. 52, p. 963

facts relevant to fix time, or, S. 9, p. 202

from where witness should give evidence, S. 135, p. 2142

**Plaint**, admission in, when defendant becomes a co-plaintiff, S. 18, p. 381

admissions in, S. 17, pp. 362, 374, S. 21, p. 40

certified copy of, whether admissible, S. 74, p. 1196

statement of a deceased person in, as to age, S. 32, p. 716

statement of dead person in, S. 32, p. 717

**Plans**, (See also, *Maps*)

document, is, S. 3, p. 38

presumption as to, S. 83, p. 1228

relevancy of statement in, S. 36, p. 797

**Pleader**, admission by, S. 18, p. 385

admission by, on point of law, S. 17, p. 368

admission by, in criminal cases, S. 58, pp. 1027, 1028

asking questions without reasonable grounds conveying imputation, S. 149, pp. 2235, 2236

confidential communication with, is privilege, S. 126, p. 2024

duty of a, in cross-examining witnesses to credit, S. 152, p. 2239

judicial notice to be taken of names of, S. 57(12), p. 994

liability of, for defamation for words spoken in course of duty, S. 152, p. 2238

privilege extends to clerks of, S. 126, p. 2045

privilege of, with regard to professional communication, S. 126, p. 2024, 2030

privilege of, in regard to words uttered when doing duty, S. 152, p. 2238

professional communications, not compelled to disclose, S. 126, p. 2024

witness, whether, engaged in a case can appear as a, S. 118, p. 1966 (See, *Privileged Communication, Legal Adviser*)

- Pleading**, admissibility of substance or abstract of, in judgment, S. 35, p. 789  
admission by non-traverse in, S. 31, p. 620, S. 58, p. 1030  
admission in, S. 17, pp. 362, 374, S. 21, p. 400  
alteranative cases, in, S. 115, p. 1884  
applicability of rule of admission that it should be taken as a whole, S. 17, p. 363  
estoppel by, S. 115, p. 1881  
inconsistent, S. 115, p. 1883  
object of, S. 17, p. 362  
prior litigation, in, S. 17, p. 363  
qualified statement, S. 17, p. 365
- Pledge**, presumption, S. 114, p. 1726
- Pointing out places**, S. 27, p. 573
- Poison**, relevancy of similar facts in, cases, S. 15, p. 348
- Police**—admissibility of confessions or admissions of criminating circumstances by accused in custody of, S. 26, p. 554 (See, *Confessions*)  
admissibility of oral statement by witnesses to police, S. 91, p. 1290  
admissibility of reports of, under S. 145, Cr P Code, S. 13, p. 306  
admissibility of statement to, as explanatory of conduct, S. 8, p. 193  
admission to, officers not amounting to confessions, S. 17, p. 368, S. 25, p. 507, S. 26, p. 512  
C.R.P.F., member of, included, S. 25, p. 502  
chowkidar included, S. 25, p. 502  
confession to, is wholly inadmissible, S. 25, pp. 493, 506, 509  
confession to private person in presence of, S. 26, p. 514  
confessions by accused while in custody of, inadmissible, S. 26, p. 512  
confessions by persons produced from, custody, S. 24, p. 482  
confessions made to, having adverse effect on fair trial, not relevant, S. 25, p. 511  
customs officer, S. 25, p. 503  
Deputy Commissioner of Calcutta Police covered, S. 25, p. 502  
excise officer, S. 25, p. 503  
homeguard included, S. 25, p. 503  
meaning of, S. 25, p. 502, S. 26, p. 520  
misuse of S. 27 by, S. 27, p. 529  
mode of cross-examining, witnesses, S. 138, p. 2189  
officer in plain clothes, test purchase of liquor, relevant facts, S. 5, p. 95  
officer not compelled to say whence he got information, S. 125, p. 2019  
persons held to be, S. 25, p. 502  
police chowkidar included, S. 25, p. 502  
police patel included, S. 25, p. 502  
record of partial statement to, S. 25, p. 505  
refreshing memory when can a, officer be compelled to look at his Diary (See, *Refreshing Memory*)  
relevancy of report to, S. 11, p. 264  
report to, relevancy of, S. 11, p. 264  
reports by, officer whether public documents, S. 74, p. 1201  
RPF, officer of, not covered, S. 25, p. 505  
statement by, officer to complainant in presence of accused not relevant, S. 8, p. 200  
statement to, by witnesses examined under S. 162 Cr P Code not admissible for corroboration of prosecution witness, S. 145, p. 2217, S. 157, p. 2282  
statements to, not admissible as part of transaction under S. 6, p. 166  
statements to, by witnesses examined under S. 162 Cr P Code admissible for contradiction of prosecution witness and not defence witnesses, S. 145, p. 2217  
statements to, under S. 162 Cr P Code must be duly proved, S. 145, p. 2220  
sub-divisional magistrate not covered, S. 25, p. 505  
video-recording in silence, by, prosecution must prove, S. 25, p. 500  
village headman not covered, S. 25, p. 505

**Police Contd.**

- village magistrate not covered, S. 25, p. 505
- village munsif not covered, S. 25, p. 505
- village watchman not covered, S. 25, p. 505

**Police Diaries**, admissibility of entries in after the death of the police officer, S. 32, p. 691  
containing statements under S. 162 Cr P Code which should not have been included in it are not privileged, S. 160, p. 2304

- contradiction of police officer, for, S. 145, p. 2215
- inspection of, used for refreshing memory, S. 145, p. 2215, S. 160, p. 2304
- police officer, cannot be used for corroborating, S. 145, p. 2217, S. 157, p. 2284
- refreshing memory by, S. 160, p. 2304
- use of, by court, S. 145, p. 2215

**Police officer**, (See also, *Police Confession*)

- custody of, meaning of, S. 27, p. 544

**Police patel**, confession before, S. 24, p. 459

- person in authority, is, S. 24, p. 459

**Police record**, overseas, relevancy of entry in, S. 32, p. 771

**Police station**, evidence of facts in issue, breath specimen obtained at, S. 5, p. 96

**Policy**, Act of not relevant for interpretation, Preamble, p. 14

**Political agent**, representative of Government, S. 86, p. 1236

**Portraits**—entries on family on questions of relationship, S. 32, p. 722

**Possession**—alluvion and diluvion, relating to, S. 104, pp. 1464, 1572

- burden of proving adverse, S. 104, p. 1463
- co-owner, of, not adverse, S. 114, p. 1704
- evidence of title, S. 110, pp. 1565, 1567
- nature and evidence of, S. 110, p. 1571
- of document, what is, S. 65, p. 1086
- partial delivery of, S. 11, p. 264
- possessory title whether can be relied in any suit other than under S. 9 (now S. 6) S. R Act, S. 110, p. 1575
- presumption arising from recent, of stolen-goods, S. 114(a), p. 1644
- presumption of title from, S. 110, p. 1567
- presumption of title from, one co-owner, S. 110, p. 1581
- presumption of title where evidence of, is conflicting, S. 110, p. 1574
- property, over a portion of, S. 110, p. 1573
- registration of name under the Bengal Land Registration Act, S. 35, p. 794, S. 110, p. 1570
- secondary evidence when document is in of a person who does not produce after notice (See, *Secondary Evidence*)
- survey and *that* maps are good evidence of, S. 36, pp. 801, 803
- various kinds of, S. 110, p. 1572

**Post Mark**, on letters, is evidence of posting, (See, *Letters*), S. 16, pp. 352, 353

**Post-mortem report**, admissibility of, S. 159, p. 2296

- public document, not a, S. 74, p. 1200

**Posting of Letters**, presumption arising from proof of, S. 16, p. 353, S. 114, p. 1674 (See, *Letters*)

**Poverty**, action for money lent, relevancy, S. 11, p. 264

**Power of Attorney**, authentication of, S. 85, p. 1233

- certified copy of, under the Power of Attorney Act, S. 65, p. 1100
- judicial notice of, S. 57, p. 1004
- presumption as to, S. 85, p. 1233
- registration of, is not proof of execution, S. 86, p. 1236

**Pre-emption**, burden of proof of, S. 104, p. 1505

- estoppel in, S. 115, p. 1901

- Preamble**, object of, and scope of, Preamble, p. 2
- Prejudice**, communication without (See. *Without Prejudice*)
- Preparation**, relevancy of facts showing, S. 8, pp. 171, 175, 181
- Presumption**, abetment of suicide, S. 113-A, p. 1626
- abetment of suicide, of, S. 113-A, p. 1627
  - abetment of suicide by a married woman, (new) S. 113-A inserted, w.e.f. 26-12-1983, S. 113-B, p. 1630
  - absence of consent in certain prosecutions for rape, (new) S. 114-A added by Criminal Law (Amendment) Act, 1983, S. 114-A, p. 1738
  - accomplice evidence, S. 114, *Ill. (b)*, p. 1636
  - accomplice is unworthy of credit, S. 114, pp. 1636, 1655, S. 133, pp. 2044, 2093 (See. *Accomplice*)
  - acquisition of a Hindu widow, S. 114, p. 1716
  - adoption, of, S. 104, p. 1488, S. 114, p. 1711
  - advancement, of, S. 114, p. 1701
  - alienation by reversioner, as to, S. 114, p. 1728
  - arising from refusal to answer questions, S. 114(*h*), p. 1698
  - as to dowry death, S. 113-B, p. 1627
  - attestation, from, S. 114, p. 1702
  - benami transaction*, from, S. 104, p. 1467, S. 114, p. 1702
  - bill of exchange, S. 114(*c*), p. 1655
  - celibacy and issue, of, S. 114, p. 1702, 1719
  - certified copies of foreign judicial records, S. 86, p. 1236
  - cession of territory, S. 113, p. 1625
  - child bearing age, of, S. 114, p. 1702
  - collection of laws published under authority, S. 84, p. 1232
  - common course of business, S. 16, p. 349, S. 114(*f*), p. 1672
  - common course of natural events, S. 114, p. 1643
  - conclusive, S. 4, p. 79, S. 114, p. 1639
  - conduct of witness, S. 114, p. 1703
  - conflicting, S. 114, p. 1641
  - continuance of possession, S. 114, p. 1658
  - continuance of state of things or immutability, S. 114(*d*), p. 1657
  - criminal cases, S. 114, p. 1691
  - cruelty, S. 114, p. 1705
  - death when a person is not heard of for 7 years, S. 108, p. 1552
    - nature of, of death, S. 108, p. 1558
    - time of death, no, as to, S. 108, p. 1558
    - who died first, as to, S. 108, p. 1556, S. 114, p. 1706
  - deposition of witnesses, as to, S. 80, p. 1219
  - destruction of will by testator, S. 104, p. 1514
  - discretion vested in a Government, S. 114, p. 1706
  - distinction, between, and legal fiction, S. 114, p. 1642
  - document twenty years old (U.P. Amendment) S. 90, p. 1243
  - documents admissible in England without proof of seal or signature, S. 82, p. 1226
  - documents thirty years old, S. 90, p. 1242 (See, *Ancient Documents*)
  - dowry death, as to (new) S. 113-B added w.e.f. 1986, S. 113-B, p. 1630
  - dying declaration as to under S. 80 does not arise when recorded by magistrate not authorised to record, S. 80, p. 1219
  - easement, of, S. 114, p. 1707
  - election, S. 114, p. 1708
  - encroachment by tenant, of, S. 114, p. 1708
  - entry of service in the order sheet, S. 114, p. 1666
  - execution &c of documents called for and not produced, S. 89, p. 1241
  - execution of document on the date it bears, S. 114, p. 1706

Presumption *Contd.*

- existence from previous and subsequent existence, S. 114(d), p. 1657  
 existence of certain facts S. 114, S. 114, p. 1636  
 existence of relationship of landlord and tenant, S. 109, p. 1562  
 fact, of, S. 4, pp. 77, 78, S. 114, p. 1639  
 faisal patti, S. 114, p. 1708  
 false explanation, S. 114, p. 1709  
 family custom, S. 114, pp. 1705, 1715  
 form of inculpatory, evidence in criminal cases, S. 8, p. 180  
 forwarding note, entries in, S. 114, p. 1708  
 fraud, of, S. 104, p. 1486, S. 114, p. 1709  
 gambling, of, S. 114, p. 1709  
 gazettiers, newspapers, private Acts of Parliament and other documents, S. 81, p. 1223  
 genuineness of books of account, of, S. 34, p. 758  
 genuineness of certified copies, as to, S. 79, pp. 1213, 1215  
 good faith, of, S. 114, p. 1709  
 grant, of, S. 114, p. 1709  
 Hindu customs, persons adopting, S. 114, p. 1715  
 Hindu law of endowment, of, S. 114, p. 1715  
 Hindu law of joint family, of, S. 104, p. 1490, S. 114, p. 1711  
 infants, in respect to, S. 114, p. 1716  
 inference, and, S. 114, p. 1642  
 inflation, S. 114, p. 1716  
 innocence, as to, S. 114, p. 1717  
 intention and knowledge, S. 114, p. 1718  
 investigating officer, non examination of, S. 114, p. 1689  
 jamabandi, S. 114, p. 1719  
 judgment, S. 114, p. 1719  
 khasra, S. 114, p. 114  
 law, of, S. 4, pp. 77, 78, S. 114, p. 1639  
 legal necessity, of, S. 114, p. 1720  
 legitimacy from birth during marriage, S. 112, p. 1603  
 legitimacy from filiation, S. 112, p. 1621  
 legitimacy is rebuttable, S. 112, p. 1615  
 legitimacy under Hindu and Mahomedan law, S. 112, p. 1621  
 life and death, of, S. 108, pp. 1552, 1556  
 locker in joint name, S. 114, p. 1720  
 Mahomedan law of dower, as to, S. 114, p. 1720  
 maintenance, S. 114, p. 1721  
 malice, as to, S. 104, p. 1479, S. 114, p. 1721  
 maps or plans made by authority of Government, S. 83, p. 1228  
 marriage, of, S. 113, p. 1625, S. 114, p. 1721  
 marriage, as to, S. 114, p. 1721  
 meaning of, S. 4, p. 77, S. 114, p. 1639  
 memo, of identification test is not record of evidence and there is no, under, S. 80, S. 80,  
 p. 1218  
 miscellaneous, S. 114, p. 1733  
 mixed, S. 4, p. 79  
 motor accident, S. 114, p. 1724  
 murder accompanied by robbery, S. 114, p. 1653  
 mutation, S. 114, p. 1727  
 natural consequences of one's own act, S. 114, p. 1718  
 nature of tenancy, as to, S. 114, p. 1730  
 Negotiable Instrument Act, S. 114, p. 1725  
*pardanashin ladies*, deeds and powers executed by, S. 111, p. 1595  
 partnership, principal and agent, S. 109, p. 1562  
 party not going into witness-box, S. 114, p. 1686

**Presumption Contd.**

- payment of arising from possession of document in the hands of obligor, S. 114(i), p. 1698
- performance of duty, of, S. 114, p. 1707
- performance of judicial and official acts, S. 114, p. 1659
- pledge, S. 114, p. 1726
- possession of letters and documents, S. 8, p. 201
- posted letter, receipt of, S. 114, p. 1674
- power of attorney, S. 85, p. 1233
- previous and subsequent conduct, S. 8, pp. 181, 189
- published books, maps or charts, S. 87, p. 1238
- rebuttable, S. 4, p. 79, S. 114, p. 1642
- record of evidence, as to confession &c, S. 79, p. 1215
- record of rights, S. 114, p. 1726
- religion, as to, S. 114, p. 1727
- reports of decisions, S. 84, p. 1232
- revenue record, S. 114, p. 1727
- rights from delay in enforcing, S. 114, p. 1706
- sanity, of, S. 114, p. 1728
- silence, from, S. 8, p. 200
- statutory, S. 114, p. 1728
- stolen property, arising from possession of, S. 114, pp. 1636, 1644 (See, *Stolen Property*)
- sub-letting, S. 114, p. 1730
- suppression or destruction of evidence, S. 114, p. 1697
- survivorship, of, S. 108, p. 1557
- telegraphic messages, S. 88, p. 1240
- undue influence against a person in position of active confidence, S. 111, p. 1581 (See, *Good Faith, Undue influence*)
- using unfair means, S. 114, p. 1732
- withholding evidence, S. 114, p. 1679
- witnesses acquainted with facts, not calling, S. 114, p. 1687

**Presumption as to certain offences** (new) S. 111-A added by Terrorist Affected Areas (Special Courts) Act, 1984, w.e.f. 14-7-1984, S. 111-A, p. 1603

**Prevention of Corruption Act**, burden of proof under, S. 104, pp. 1505, 1519  
presumptions under, S. 114, p. 1726

**Previous Attempts**, relevancy of facts showing, S. 8, pp. 180, 181, 188

**Previous conduct**, admissibility of, S. 54, p. 979  
relevancy of, S. 8, p. 171

**Previous conviction**, S. 14, Explan 2 335, 554, pp. 969, 974, 980 relevancy of, S. 54, Explan 2, p. 309  
as to, S. 54, p. 978  
bad character relevant as evidence of, S. 54 Explan 2, pp. 969, 974  
contradiction answer, S. 153 Excep 1, p. 2241  
conviction subsequent to the charge not admissible, S. 14, p. 335  
cross-examination as to, S. 54, p. 978  
evidence of, when may be put in, S. 54, p. 980  
guilty knowledge, to prove, S. 14, p. 335, S. 54, p. 981  
mode of proving, S. 54, p. 981  
object of using, S. 54, p. 980  
purpose of cross-examination as to, S. 54, p. 979  
relevancy of, where previous commission of an offence is relevant, S. 14, p. 336  
theft and other cases, S. 14, p. 335

**Previous Deposition** (See, *Deposition*) subsequent proceeding, when relevant in, S. 33, p. 731  
admission, when admissible as, S. 33, p. 754  
conditions under which, is relevant, S. 33, p. 732

**Previous Deposition** *Contd.*

- oral testimony of, if admissible, S. 33, p. 735
- presumption as to, S. 80, p. 1215
- witness cannot be found, when, S. 33, p. 739
- witness incapable of giving evidence, S. 33, p. 740
- witness is dead, when, S. 33, p. 739
- witness kept out of way, S. 33, p. 741

**Previous judgment**, civil cases, in S. 11, p. 267

- criminal cases, in, S. 13, p. 304
- custom, right, & c, cases involving, S. 13, p. 303

**Previous murder**, complicity in, S. 9, p. 206**Previous possession**, difference of opinion with regard to the effect of, S. 110, p. 1579 (See, *Possession*)

- presumption of title from, S. 110, p. 1565

**Previous statement**—contradicting previous verbal statements, S. 145, p. 2210, S. 155, p. 2259 (See, *Contradiction*)

- contradiction by, in writing, S. 145, p. 2211
- cross-examination as to, in writing, S. 145, p. 2206
- cross-examination as to, S. 145, p. 2206
- discredit a witness may be used to, S. 155 (3), p. 2260
- may be used to corroborate later testimony, S. 157, p. 2276 (See, *Corroboration, Statements*)
- relevancy under Ss. 32 and 33 it may be contradicted or corroborated, S. 158, p. 2291

**Priest**, admissibility of statements in books of, in proof of relationship, S. 32, pp. 717, 723**Prima facie evidence**, evidence of conspiracy makes statements of a conspirator admissible against co-conspirators, S. 10, p. 238

- what is, S. 3, p. 54

**Primary Evidence**, document must be proved by, S. 10, p. 1063

- documents by uniform process, S. 62, p. 1062
- documents executed in counterparts, S. 62, p. 1060
- meaning of, S. 62, p. 1059 (See, *Evidence*)
- what is, of bought and sold notes, S. 91, p. 1294

**Principal**, agent and, relationship of, burden of proof, S. 109, p. 1562

- first degree, in, S. 133, p. 2081
- second degree, in, S. 133, p. 2081

**Principal and agent**, admission by, S. 18, p. 375

- admission of principal against surety, S. 18, p. 387
- continuance of relationship between, S. 109, p. 1562
- estoppel against, and in favour of, S. 115, p. 1900
- onus of proving relationship of, S. 109, p. 1562

**Private defence**—burden of proof of right of, S. 105, p. 1523

- right of, can be availed of by defence even if the plea is not set up, S. 105, p. 1523

**Private document**, meaning of, S. 75, p. 1202**Privilege**—affairs of State, of, S. 123, p. 1990

- affairs of State, S. 123, p. 1990
- affairs of State, how to claim, S. 123, p. 2011, S. 124, p. 2017 (See, *Affairs of State, State*)
- answering questions on ground that answer will criminate, S. 132, p. 2059
- communication during marriage, S. 122, p. 1981
- confidential communication with legal adviser, S. 129, p. 2048
- continues, even after settlement, if negotiations are without prejudice, S. 23, p. 412
- court is to determine whether, as to official communication exists, S. 124, p. 2015
- court is to determine whether, how to claim, S. 123, p. 2011, S. 124, p. 2017
- doctrine of absolute, in answering criminating questions does not apply in India, S. 132, p. 2060

**Privilege Contd.**

information as to commission of offences, S. 125, p. 2019  
judge or magistrate answering questions affecting his conduct in court, S. 121, p. 1975  
judges, S. 121, p. 1975  
judges and magistrates, of, as to information as to commission of offences, S. 125, p. 2019  
magistrate, S. 121, p. 1975  
official communications, S. 124, pp. 2014, 2018  
production of documents which another person having possession could refuse to produce,  
S. 131, p. 2056  
production of title deeds of a witness not a party, S. 130, p. 2052  
professional communications, S. 126, p. 2024  
professional communications between lawyer and client, S. 126, pp. 2024, 2027 (See,  
*Privileged Communications*)  
volunteering evidence, not waived by, S. 128, p. 2047  
witness answering criminating questions, S. 132, pp. 2059, 2064  
witnesses, and breach of confidence, against self-incrimination, S. 132, p. 2062  
words uttered by lawyer when discharging duty, S. 152, p. 2238  
—whether absolute, S. 152, p. 2238

**Privileged communications, affairs of State, as to, S. 123, p. 1990 (See, *Affairs of State, State*)**

attorney and client, when there is litigation between, S. 126, p. 2046  
claim of privilege, no hostile inference from, S. 126, p. 2045  
client, must be by or on behalf of, S. 126, p. 2036  
common solicitor, S. 126, p. 2038  
communication from third person to client or legal adviser for litigation, S. 126, p. 2034, S. 128,  
p. 2047  
communication of, by solicitor in violation of duty, S. 126, p. 2043  
communications held not to be privileged, S. 126, p. 2045  
communications held to be privileged, S. 126, p. 2044  
confidential, must be, S. 126, p. 2034  
duration of privilege, S. 126, p. 2031  
express waiver of privilege, S. 126, p. 2032  
illegal purposes for not protected, S. 126, p. 2040  
implied waiver of privilege, S. 128, p. 2047  
“in the course of and for purpose of employment”, S. 126, p. 2032  
joint interest, and, S. 126, p. 2038  
legal adviser and client between, (Ss. 126, 127, 129, p. 2024 *et seq*)  
magistrate or police, made to as to commission of offences, S. 125, p. 2019  
married persons, between, S. 122, p. 1981 (See, *Husband and Wife*)  
note or statement of a witness of the evidence he would give is, S. 129, p. 2051 (See,  
*Confidential Communications, Legal Adviser, Pleader*)  
official confidence, made in, S. 124, p. 2015 (See, *Official Confidence*)  
privilege not waived if party volunteers evidence, S. 128, p. 2047  
S. 126 confined to legal advisers, rule as to, in, S. 126, p. 2030  
waiver of privilege, implied, S. 128, p. 2047

**Privy and privity—different classes of privies, S. 18, p. 382**

estoppels are binding upon both parties and privies, S. 115, p. 1907  
meaning of, S. 18, p. 382

**Privy Council, proclamations, orders &c by, how to be proved, S. 78 (3), pp. 1207, 1212**

**Probability, direct evidence and, S. 3, p. 72**

meaning of, S. 3, p. 71  
positive evidence, S. 59, p. 1038  
preponderance of, in civil and criminal cases, S. 3, p. 58  
suspicious movements, S. 3, p. 74  
value of, in considering evidence, S. 3, p. 72  
weighing oral evidence, S. 59, p. 1034

- Probable or improbable**, meaning of highly, S. 11, p. 261  
relevancy of fact rendering facts in issue highly, S. 11, pp. 254, 261
- Probate**, copy of will ranks as primary evidence of, S. 62, p. 1059  
effect of judgment of, court, S. 41, p. 829  
effect of refusal to grant, S. 41, p. 829  
relevancy of certain judgment in, S. 41, p. 826  
secondary evidence of, S. 41, p. 831, S. 65, p. 1098  
wills may be proved by, S. 91, pp. 1265, 1292
- Probative value**, to be weighed against prejudice, S. 15, p. 339
- Proceedings**, applicability of Evidence Act to Income-tax, S. 1, p. 31  
consent, as to jurisdiction, S. 115, p. 1913  
Evidence Act applicable to all judicial, S. 1, pp. 25, 28  
legislature, of, how proved, S. 78 (2), pp. 1207, 1211  
municipal body, of, how proved, S. 78 (5), pp. 1207, 1213  
witnesses, person not party to, discovery against, S. 131, p. 2058
- Process-server**, report of (See, *Peon's Return*)
- Proclamations**—court not bound to take judicial notice of such, S. 78 (3), p. 1212  
executive, S. 78, p. 1211  
issued by His Majesty or the Privy Council how proved, S. 78 (3), pp. 1207, 1212  
proof of, S. 78 (3), p. 1207
- Proctor**, judicial notice of name of, S. 57 (12), p. 994
- Production of Documents**, (See, *Documents*)
- Professional communications**, (See, *Privileged Communications*)  
proceedings of drug trafficking disclosed through file, evidence, S. 126, p. 2042
- Professional duty**, entries in discharge of, S. 32, p. 686
- Professional privilege**, communication between solicitor and expert witness, S. 126, p. 2043
- Promiscuity**, inference of consent, from, S. 155, p. 2273
- Promise**, confession after removal of impression caused by, relevant, S. 28, p. 575  
confession caused by, irrelevant, S. 24, p. 412  
confession caused by, of secrecy relevant, S. 29, p. 579  
husband by while leaving house to his wife that it was her, husband estoppel, required to effect  
to perfect the gift in her favour, S. 115, p. 1789  
production of documents as result of, S. 24, p. 456
- Promissory estoppel**, acceptance of late payment, S. 115, p. 1788  
applicability of doctrine of, against Government, S. 115, p. 1773  
applied, S. 115, p. 1783  
change in Govt policy, S. 115, p. 1774  
criminal cases, S. 115, p. 1775  
doctrine of, explained, S. 115, p. 1771  
educational institutions, against, S. 115, p. 1790  
equitable doctrine, S. 115, p. 1776  
Govt, against, S. 115, p. 1773  
law, against, no, S. 115, p. 1775  
legislature, not applicable against, S. 115, p. 1775  
option under lease, S. 115, p. 1788  
overpayment to employee, S. 115, p. 1788  
statutory bar, S. 115, p. 1776
- Promissory note**, (See, *Bill of Exchange, Alteration*)  
admissibility of oral evidence in proof of original consideration when, is inadmissible for  
insufficiency of stamp, S. 91, p. 1275  
admissibility of oral evidence to show that an executant of, signed as surety, S. 92, p. 1374  
admissibility of oral evidence when, is silent as to interest, S. 92, p. 1363

**Promissory note** *Contd.*

- oral agreement of a condition precedent postponing the enforcement of, is admissible, S. 92 p. 1368
- oral contemporaneous agreement that a, was not to be enforced is inadmissible, S. 92 pp. 1368, 1374

**Proof, admission of, S. 21, p. 394**

- admission of a party to attested document dispenses with the, of its execution, S. 70, p. 1156
- admissions of, S. 21, p. 394
- attesting witness, when not found, S. 69, p. 1152
- attesting witness, when denies execution, S. 71, p. 1161
- banking transactions can be proved by microfilms, App. C, p. 2370
- certified copies, S. 77, p. 1205
- characters of, Ss. 52, 53, 55, pp. 962, 967, 982
- comparison of signature etc., S. 73, p. 1164
- conclusive, S. 4, pp. 77, 81
- confessions of, S. 24, p. 412
- contents of document, of, S. 61, p. 1055, S. 62, p. 1059, S. 64, p. 1073
- conviction requires, of *corpus delicti*, S. 3, p. 50
- degree of, in civil and criminal cases, S. 3, p. 55
- degree of, in matrimonial cases, S. 3; p. 60
- dispensed with, of facts judicially noticeable, S. 57, p. 993
- dispensed with, in regard to facts admitted, S. 58, p. 1021
- document not required by law to be attested, S. 72, p. 1164
- dying declaration of, S. 32, cl 1, p. 621
- evidence not confined to, only, S. 3, p. 49
- execution of attested documents, S. 68, p. 1122
- execution of document required by law to be attested, of, S. 68, p. 1122
- execution when no attesting witness found, S. 69, p. 1152
- execution where attesting witness denies or does not recollect, S. 71, p. 1161
- existence of general right or custom by opinion of competent persons, S. 48, p. 943
- foreign law of, S. 45, p. 860
- former deposition, of, S. 33, p. 731
- good faith, S. 111, p. 1581
- handwriting of, S. 45, p. 860, S. 47, p. 934, S. 73, p. 1164
- judgment and decrees when conclusive, S. 40, p. 816
- law of any country of, S. 38, p. 621
- legal, and suspicion, S. 3, p. 54
- meaning of legal, S. 3, pp. 50, 54
- military proceedings, S. 3, p. 60
- moral conviction and legal distinction between, S. 3, p.
- official documents, S. 78, p. 1207
- opinion of experts, S. 45, p. 860, S. 46, p. 933
- opinion of persons acquainted with handwriting in question, S. 47, p. 934
- oral evidence, by, S. 59, p. 1033, S. 60, p. 1038
- relationship, marriage &c, by opinion when relevant, S. 50, p. 950
- report of ruling, of law by, S. 38, p. 809
- rules of, in criminal cases, S. 3, p. 62
- , in election cases, S. 3, p. 61
- , in matrimonial cases, S. 3, p. 60
- secondary evidence, S. 63, p. 1063, S. 65, p. 1077
- signature and handwriting, S. 67, p. 1114
- standard of, S. 3, p. 52
- standard of, documentary evidence, S. 73, p. 1178
- suspicion or supposition not covered, S. 3, p. 55
- usages and tenets &c, by opinion of persons having special means of knowledge, S. 49, p. 946

- Proof beyond reasonable doubt**, criminal trial, in, S. 3, p. 50  
 reasonableness of doubt, S. 3, p. 50
- Proper Custody**, of ancient documents, S. 90, p. 1242  
 proof of and effect of, S. 90, p. 1255 (See, *Ancient Document*)
- Proprietary**, estoppel, S. 115, p. 1791
- Prosecution**—burden of proving guilt is always on—It never changes, S. 105, p. 1517, S. 114  
 p. 1646  
 confession was voluntary must be proved by, which took by video recording (silent), S. 25,  
 p. 500  
 distinction when burden is on, or accused, S. 105, p. 1530  
 open to argue mental handicap, without support of expert, S. 46, p. 933  
 when entitled to rebut either by cross-examination or by independent witness, S. 54, p. 973
- Prosecution case**, close of admission of evidence, S. 167, p. 2352
- Prosecution for rape**, absent of consent, in, presumption as to, S. 114-A, p. 1738
- Prosecution witness**, character, questioning of, when relevant, S. 54, p. 973
- Prosecutor**, character of, relevancy, S. 54, p. 981
- Proved**, meaning of, S. 3, p. 38 (See, *Proof*)
- Public**, distinction between, and general, S. 13, p. 277, S. 32, p. 706  
 entries in, books, registers &c, held admissible, S. 35, p. 778  
 entries in, books, registers &c, held inadmissible, S. 35, p. 793  
 facts relevant when, right or custom is in question, S. 13, p. 270  
 opinion as to right or custom, or matters of public or general interest, S. 32 (4), p. 703  
 relevancy of entry in, record or other official book, S. 35, p. 772  
 relevancy of judgments relating to matters of a, nature, S. 42, p. 834 (See, *Official Book, Public Record*)
- Public Acts**, judicial notice of, S. 57, p. 993
- Public Documents**, acts or record of acts of  
 —official bodies and tribunals, S. 74, p. 1186  
 —sovereign authority, S. 74, p. 1186  
 assessment order of sale tax and return is, S. 74, p. 1198  
 copies of, in certain cases to be as good as original (W.B. Amendment), S. 78, p. 1208  
 documents held not to be  
 —registers, teish khana, S. 74, p. 1200  
 —postmortem report, S. 74, p. 1200  
 —award, S. 74, p. 1200  
 —chittas, S. 74, p. 1200  
 —petition, S. 74, p. 1200  
 —sale-deed, S. 74, p. 1200  
 —will, S. 74, p. 1200  
 documents held to be,  
 —assessment order, S. 74, p. 1194  
 —birth and death registers, S. 74, p. 1193  
 —charge-sheet, S. 74, p. 1193  
 —chittas, accounts &c, S. 74, pp. 1194, 1200  
 —depositions, S. 74, p. 1194 (See, *Deposition*)  
 —Hindu marriage register, S. 74, p. 1194  
 —income tax return, S. 74, p. 1194  
 —map, S. 74, p. 1195  
 —medical report, S. 74, p. 1196  
 —medico legal care, S. 74, p. 1196  
 —order sheet, S. 74, p. 1196  
 —pahanies and faisal patties, S. 74, p. 1196  
 —paints and written statement whether, S. 74, p. 1196

**Public Documents** *Contd.*

- plaint, S. 74, p. 1196
- process-server's return, S. 74, p. 1197
- registers, S. 74, pp. 1198, 1200
- registration, S. 74, p. 1198
- sheriff's return, S. 74, p. 1199
- written statement, S. 74, p. 1196
- foreign country, in, how proved, S. 78, p. 1207
- Hindu Marriage Register, S. 74, p. 1194
- medico legal case prepared by a doctor, S. 74, p. 1196
- mode of proving, S. 77, p. 1205, S. 78, p. 1207
- notifications, proof of, S. 78 (1), p. 1207
- proof of, by certified copies, S. 77, p. 1205
- public record of private documents, S. 74, p. 1186
- reports by police officers are not, S. 74, p. 1201
- secondary evidence of, is only certified copy, S. 65(e), (f), pp. 1077, 1200
- what are (S. 74), pp. 1186-87, (See, *Public Records*)

**Public interest**, claimed, must be weighed against the interest of justice, S. 123, p. 2013

**Public interest immunity**, doctrine of, exists in criminal cases, S. 123, p. 2013

**Public Officer**, appointment of, need not be proved, S. 91, pp. 1265, 1292

confidential communications not compelled to disclose, S. 124, p. 2014 (See, *Privilege*)

judicial notice of, S. 57(7), (12), p. 994

meaning of, S. 74, p. 1193

presumption as to official character of, S. 82, p. 1226

S. 124 Evidence Act, in, S. 124, p. 2016

**Public Prosecutor**, duty of, S. 104, p. 1477

whether has duty to call all witnesses, S. 104, p. 1477, S. 114, p. 1694

**Public Records**, Cr., p. Code is in discharge of official duty, S. 35, p. 778

entries in, books, registers &c, that are admissible, S. 35, p. 778

entries in, books, registers &c, that are not admissible, S. 35, p. 794

entry in, should be by proper officer, S. 35, p. 777

entry in, should be in discharge of official duty, S. 35, p. 777

foundation for reception of entries in, S. 35, p. 774

official book, register &c, S. 35, p. 775

record made by police officer under S. 162 or S. 154 Cr P Code is in discharge of official duty, S. 35, p. 778

relevancy of entries in, S. 35, p. 772, (See also, *Public Documents*)

relevancy of entry in, hospital records, S. 34, p. 771

relevancy of entry in overseas police record, S. 34, p. 771

what are, S. 35, p. 775

**Public Right (or Custom)**, conditions necessary for admissibility of opinion as to existence of, S. 32(4), p. 703

facts relevant when, is in question, S. 13, p. 270

meaning of, S. 32, p. 706

opinion as to existence of, must be before controversy, S. 32(4), pp. 703, 708

opinion of deceased person as to existence of, S. 32(4), pp. 621, 703

opinion of living person, as to existence of, S. 48, pp. 943, 945

opinion should be of general reputation and not particular facts, S. 32(4), p. 705

relevancy of judgments relating to matters of a public nature, S. 42, p. 834

reputation evidence is competent both for and against, S. 32, p. 707

**Punjab and Haryana High Court Rules and Orders, 1966 Vol III**, manner of recording dying declaration, S. 32(1), p. 648

**Purchaser**, estoppel of, in execution proceedings, S. 115, pp. 1815, 1909

- Questions**—confession in answer to, not irrelevant, S. 29, p. 584  
 court, may forbid insulting or annoying, S. 152, p. 2235  
 court may draw inference from witness's refusal to answer, as to credit, S. 148(4), p. 2231  
 court may forbid indecent and scandalous, S. 154, p. 2235  
 court to decide what, are proper and improper when witness compelled to answer, S. 148, p. 2230  
 criminating, when witness shall be compelled to answer, S. 147, p. 2230 (See, *Criminating Questions*)  
 criminating, to accused he is witness for defence, S. 132, p. 2071  
 discovering position of the witness (See, *Credit*)  
 duty of counsel in putting, in cross-examination, S. 146, p. 2227, S. 152, p. 2239  
 exclusion of evidence to contradict answers to, testing veracity, S. 153, p. 2241  
 hypothetical, to experts, S. 45, p. 878 (See, *Examination, Cross-examination*)  
 improper, not to be asked without reasonable grounds, S. 152, p. 2235  
 leading, when must not be asked, S. 142, p. 2199  
 leading, exceptions to the rule, S. 142, p. 2201  
 leading, may be asked in cross-examination, S. 143, p. 2203 (See, *Leading Questions*)  
 leading when court may allow, S. 142, p. 2201  
 meaning of leading, S. 141, p. 2198  
 presumption from refusal to answer, S. 114(h), p. 1698  
 procedure of court when, are asked by lawyers without reasonable grounds, S. 153, p. 2235  
 testing veracity and impeaching credit, S. 146, p. 2224  
 witness by party to his own, when he becomes hostile, S. 154, p. 2246 (See, *Hostile Witness*)
- Quinquennial Registers**, are admissible, S. 35, p. 779
- Rape**, circumstantial proof of, S. 3, p. 64  
 circumstantial proof of, S. 3, p. 64  
 corroboration of prosecutrix in, cases, S. 134, p. 2136  
 evidence of similar acts, S. 15, p. 347  
 evidence that prosecutrix is of generally immoral character may be given in a trial for, S. 155, p. 2260, 2271  
 incest and, of daughters, charged over a long period, S. 15, p. 347  
 indecency of disclosures will not exclude indecent questions, S. 152, pp. 2235, 2240  
 presumptions as to absence of consent in cases for, S. 114-A, p. 1738  
 prosecutrix whether accomplice, S. 134, p. 2138  
 relevancy of statements of woman soon after commission of S. 8 *illus* (j), S. 6, p. 166, S. 8, pp. 172, 196
- Rashness**, facts showing, as state of mind, S. 14, pp. 309, 332
- Razinama**, criminal proceeding, in relevancy of, S. 13, p. 304
- Re-examination**, meaning of, S. 137, pp. 2155, 2193  
 introduction of any new matters in, S. 137, p. 2193  
 leading question in, S. 137, p. 2193  
 leading question when must not be asked, S. 142, p. 2199  
 object of, S. 137, p. 2193
- Real evidence**, S. 3, p. 45  
 computer print-out, S. 3, p. 44  
 meaning of, S. 3, p. 46
- Rebut**, defence of automatism, to, relevancy of facts, S. 15, p. 348  
 defence of innocence, to, relevancy of facts, S. 15, p. 348
- Rebuttable**, evidence in, S. 135, p. 2151  
 facts otherwise irrelevant are relevant in, of opinion of experts, S. 46, p. 933  
 relevancy of facts which rebut an inference suggested by a fact in issue or relevant fact, S. 9 p. 202
- Recall**, of witness, S. 135, p. 2151  
 re-examination-in-chief, for, S. 138, p. 2195

- Receipt**, consideration, of burden of proof, S. 104, pp. 1469, 1472  
mode of proving rent, S. 32, p. 690  
oral evidence of payment may be given notwithstanding receipt, S. 91, *illus (e)*, pp. 1266, 1298
- Recital**, admissibility of, in decree, S. 32, p. 701  
admissibility of, in judgment, S. 36, p. 797, S. 43, p. 844  
bond or deed in is conclusive evidence against parties to it, S. 104, p. 1507, S. 115, p. 1844  
boundaries of adjoining lands in sale deeds &c, S. 13, pp. 306-7, S. 32, p. 700  
burden of proof that, of consideration is not true, S. 104, p. 1472  
document in is not evidence against strangers, S. 104, p. 1507, S. 115, p. 1845  
documents not *inter partes*, S. 13, p. 307  
estoppel by, in deeds, S. 115, p. 1844  
oral evidence of agreement to contradict, vary &c, in a contract, S. 92, p. 1309  
oral evidence of incorrectness of, as to consideration, S. 92, p. 1354
- Record**, entries in public, when admissible, S. 35, p. 778  
entries in public, when not admissible, S. 35, p. 794  
entry in revenue and settlement, S. 35, pp. 778, 782, 795 (See, *Public Document, Public Record*)  
estoppel by, S. 115, p. 1748  
presumption as to, of evidence, S. 80, p. 1215  
privilege as to unpublished official, relating to affairs of State, S. 123, p. 1990 (See, *Affairs of State*)  
proof of foreign judicial, S. 78(6), pp. 1207, 1213  
school, admissible to prove age &c, S. 35, p. 791
- Record of evidence**, presumption as to documents produced as, S. 80, p. 1215
- Record of rights**, presumption of entries in, S. 114, p. 1726
- Recording of confession**, (See, *Confession*)
- Records of Bills of Lading**, relevancy of entry in, S. 34, p. 772
- Recrimination**, what evidence may be given in re-establishing credit and, S. 155, p. 2265
- Referee**,—admission by,—its conclusiveness, S. 20, p. 392  
agreement to be bound by statement of, S. 20, p. 393  
reference to, by express words not necessary, S. 20, p. 394  
report of a servant to whom reference is made by the master regarding the conduct of another servant not admissible, S. 20, p. 391  
statements by, of a party are admissions, S. 20, p. 391
- Reference statutes**, interpretation of, Preamble, p. 17
- Refreshing Memory**, barrister's brief, S. 160, p. 2306  
cross-examination on documents used for, S. 161, p. 2308  
difference between, Ss. 159 and 160, S. 160, p. 2303  
documents for, by whom may be written, S. 160, p. 2301  
documents not filed with the plaint, S. 159, p. 2295  
documents not produced in time and rejected, S. 159, p. 2295  
earlier statement given to police, S. 159, p. 2293  
effect of, by privileged document, S. 160, p. 2306  
examination, while under, S. 159, p. 2295  
examination in court, S. 159, p. 2295  
experts, by, referring to professional treaties, S. 159, p. 2300  
horoscopes, S. 32, pp. 719, 723  
inadmissible documents, S. 159, p. 2299  
Judge, of, S. 159, p. 2300  
newspaper, by, S. 159, p. 2298  
police diaries, S. 160, p. 2304  
police officer, when can be compelled to, by looking at Diary, S. 160, p. 2304  
post-mortem notes, S. 159, p. 2296  
reference to copy, S. 159, p. 2300

**Refreshing Memory Contd.**

- reports of medical men, S. 159, p. 2296, S. 160, p. 2306
  - right of adverse party to inspect document used for, S. 161, p. 2306
  - right of inspection of and cross-examination as to document used for, S. 161, p. 2306
  - testimony by a witness to facts stated in a document, although a perusal does not refresh his memory, if he is sure that facts were correctly recorded, S. 160, pp. 2301, 2302
  - time of preparation of the document; used for, S. 159, p. 2298
  - time when inspection may be claimed of document used for, S. 161, p. 2308
  - unstamped or insufficiently stamped document, S. 159, p. 2299
  - what kind of documents may be used for, S. 159, pp. 2295, 2299
  - witness, of by reference to writing, S. 159, p. 2292
- Refusal**, presumption from, to answer, S. 114, *ill (h)*, p. 1698, S. 146, p. 2228, S. 148(4), p. 2331
- presumption from, to answer questions as to credit, S. 148(4), p. 2331
  - presumption from, to produce documents called for, S. 89, p. 1241
  - presumption from, to produce available evidence, S. 114, p. 1678
  - presumption from, to go to the witness-box, S. 114, p. 1686
  - secondary evidence admissible on, to produce documents called for, S. 65(a), p. 1077
- "Refused"**—endorsement of, on a registered letter is *prima facie* evidence, S. 16, p. 353
- Registered Letters**,—effect of sending, S. 16, p. 353 (See, *Letters*)
- Registers**, admissibility of, as public documents, S. 74, p. 1198
- entries in, when not relevant, S. 35, p. 794
  - entries in official, when relevant, S. 35, pp. 772, 778
  - entry in birth and death, S. 35, p. 780
  - relevancy of entry in different kinds of, S. 35, pp. 772, 778
  - sale, kept in Corporation of Calcutta is admissible, S. 35, p. 780
- Registrar**, attesting witness, whether, can be regarded as, S. 68, p. 1146
- court, is not a, S. 3, p. 40
- Registration**, admissibility of unregistered document for collateral purpose, S. 91, p. 1285
- admissibility of oral evidence in proof of document inadmissible for want of, S. 91, p. 1282
    - unregistered lease or compromise decree creating lease, S. 91, p. 1284
  - authority of widow to adopt without, is inadmissible, S. 91, p. 1283
  - certified copy given under the, Registration Act, S. 74, p. 1202
  - compromise decree creating lease must be registered, S. 91, p. 1284
  - documents whose, is compulsory, S. 91, p. 1282
  - exclusion of oral evidence to rescind or certify a registered contract, S. 92, p. 1381
  - execution, not itself proof of its, S. 67, p. 1120, S. 85, p. 1236
  - inadmissibility of secondary evidence to prove the contents of document not itself admissible
    - for want of, S. 65, p. 1084
  - Land Registration Act of names under is evidence of possession but not of title, S. 35, p. 794, S. 110, p. 1571
    - notice, whether, amounts to, S. 14, p. 332
    - oral evidence to show that land was inserted in deed only for, S. 92, p. 1327
- Registration Act**, certificate under Ss. 60, 61, S. 79, p. 1215
- Related witness**, S. 5, p. 123
- Relationship—Relation**, admissibility of evidence of general evidence of repute in proof of, S. 50, pp. 950, 953
- continuance of, once shown to exist, S. 109, p. 1562
  - existence of, includes non-existence, S. 32, p. 707
  - family conduct, family tradition and repute as to, S. 50, p. 954
  - opinion of living person as to, must be expressed by conduct, S. 50, pp. 950, 957
  - opinion on, when relevant, S. 50, p. 950
  - questions as to, to prove bias of witness, S. 146, p. 2227, S. 153, p. 2243
  - statements made by deceased relation as to, S. 32, p. 714
  - statements of deceased persons relating to existence of, S. 32(5), (6), p. 621

**Relevancy—Relevant, (See also 'Relevancy of facts')**

- admissibility and, S. 5, p. 86
- admission against maker and by or on his behalf, S. 21, p. 394
- admission by strangers, S. 19, p. 388
- admissions, Ss. 17, 18, pp. 356, 371
- admissions "without prejudice" made for the purpose of compromise, S. 23, p. 408
- books of account, entries in, S. 35, p. 772
- certain statements of dead persons or of persons who cannot be found, S. 32, p. 626
- character, Ss. 52, 53, 54, 55, pp. 962-982
- co-accused confession of, S. 30, p. 587
- conduct, S. 8, pp. 181, 189
- confession after removal of inducement, S. 28, p. 575
- confession because of promise of secrecy or in answer to questions, S. 29, p. 59
- confession to police, S. 25, p. 493
- confessions, S. 24, p. 412
- confessions of co-accused, S. 30, p. 587
- confessions while in police custody, S. 26, p. 512
- conspiracy, acts done by conspirators, S. 10, p. 234
- conspiracy, speeches showing object of, S. 10, p. 246
- conspiracy, facts necessary to establish, S. 10, p. 249
- course of business, existence of, S. 16, p. 349
- damages, facts which enable to determine, S. 12, p. 268
- definition of, S. 3, pp. 37, 42, S. 5, p. 86
- entries in books of account, S. 34, p. 755
- entries in public record in performance of duty, S. 35, p. 772
- evidence may be given of facts in issue and facts declared relevant, S. 5, pp. 83, 88
- evidence of similar facts, S. 14, pp. 317, 322, 323
- evidence to be given of facts declared relevant by the Act and of no others, S. 5, p. 89
- existence of course of business, S. 16, p. 349
- facts, of, S. 5, p. 83
- facts bearing on question whether an act was accidental or intentional, S. 15, p. 337
- facts connected with facts in issue so as to form part of the same transaction, S. 6, p. 153
- facts inconsistent with facts in issue, S. 11, p. 254.
- facts necessary to establish conspiracy, S. 10, p. 249
- facts necessary to explain and introduce relevant facts, S. 9, pp. 202, 205
- facts rendering highly probable or improbable existence of facts in issue or relevant facts, S. 10, pp. 254, 261, 262
- facts showing existence of state of mind or body, S. 14, p. 309
- facts when right or custom is in question, S. 13, p. 270
- facts which afford an opportunity, for the occurrence of relevant facts, S. 7, p. 169
- facts which are the occasion, cause and effect of relevant facts, S. 7, p. 169
- facts which enable to determine damages, S. 12, p. 268
- finger impression, S. 9, p. 223, S. 45, pp. 860, 923
- fraud or collusion in obtaining judgment, S. 44, p. 848
- grounds of opinion, S. 51, p. 959
- identity of person or things, S. 9, pp. 202, 207
- inducement, confession after removal of, S. 28, p. 575
- information in confession to police which causes discovery of fact, S. 27, p. 521
- intention, things ascertaining, S. 8, p. 188
- judgements not *inter partes*, S. 13, p. 279
- judgments certain, Ss. 40, 41, 42, 43, 44, pp. 816 to 848
- law books, statement of law in, S. 38, p. 809
- map, statement in, S. 36, p. 797
- motive and preparation, (S. 8), S. 8, pp. 171, 181, 187
- opinion as to custom, rights tenets, &c, Ss. 48, 49, pp. 943, 946
- opinion of non-experts, S. 45, p. 865, S. 47, p. 925

**Relevancy—Relevant Contd.**

- opinion of person acquainted with the handwriting in question, S. 47, p. 934
  - opinion on relationship expressed by conduct, S. 50, p. 950
  - opinions of experts on any science or art, handwriting &c, Ss. 45, 46, pp. 860, 933
  - oral admission as to contents of documents, S. 22, p. 405
  - previous conviction, S. 14, Explan 2, pp. 309, 335, S. 54, pp. 969, 974, 975, 980
  - previous evidence for proving in subsequent proceedings the truth of facts therein stated, S. 33, p. 731
  - previous judgment, relevant to bar a second suit, S. 40, p. 816
  - procedure where, of alleged fact depends upon another alleged fact being proved first, S. 136 p. 2152
  - reason for rejection of evidence not, S. 3, p. 42
  - recital in documents not *inter partes*, S. 13, p. 307
  - relevancy and admissibility, S. 5, p. 86
  - relevant means admissible, S. 5, p. 86
  - speeches showing object of conspiracy, S. 10, p. 246
  - statements accompanying acts, S. 8, p. 194
  - statements as to facts of public nature in Acts or notifications, S. 37, p. 806
  - statements by reference, S. 20, p. 391
  - statements in published maps, S. 36, p. 797
  - statements made in the presence and bearing affecting conduct, S. 8, p. 199
  - statements of law in law books, S. 38, p. 809
  - strangers, admission by, S. 19, p. 388
  - subsequent and antecedent conduct, S. 8, pp. 181, 189
  - things in ascertaining real intention, S. 8, p. 188
  - things or acts done by conspirators, S. 10, p. 234
- Relevancy of entry**, in records of bills of lading, S. 34, p. 772
- Relevancy of entry in public records**, bills of lading, records of, S. 34, p. 72
- hospital records, S. 34, p. 771
  - overseas police record, S. 34, p. 771
- Relevancy of facts**, acts different, conduct in one was relevant to the other, S. 15, p. 343
- bearing upon opinions of experts, need not state facts, S. 45, p. 933
  - character when relevant, questioning of character, of prosecution witnesses, S. 54, p. 973
  - computer printout is a proof as to movements in a customer's account, S. 16, p. 352
  - convictions, evidence in other cases, when relevant, S. 40, p. 825
  - corroboration whether necessary, S. 32, p. 639
  - court may act without expert opinion, in a case of mental handicap, S. 45, p. 933
  - defence of automatism, to rebut, S. 15, p. 347
  - defence of innocence, to rebut, S. 15, p. 347
  - facts in issue, test purchase of liquor by a police officer in plain clothes, S. 5, p. 96
  - hearsay, contemporaneity, identification as, S. 6, p. 163
  - identity, "similar facts", admissible when, S. 15, p. 349
  - incest and rape of daughters, S. 15, p. 347
  - information supplied to magistrate's court, S. 35, p. 778
  - judgments of courts of justice in other cases, when relevant in acquittals, S. 40, p. 825
  - movements in a customer's account can be proved by computer print-out, S. 16, p. 352
  - previous consistent statement, S. 8, p. 198
  - previous convictions for handling stolen goods, S. 14, p. 336
  - previous convictions for sexual offences, S. 14, p. 336
  - prima facie* evidence of conspirator, evidence of, S. 10, p. 241
  - probative value, weight of, S. 15, p. 339
  - rejection of non-expert opinion is court's duty, S. 45, p. 933
  - similar surrounding circumstances, S. 15, p. 343
  - statement of, by an overseas witness can be given on television linkage, S. 32, p. 633
- Relevant Evidence**, confession by accused as to certain articles seized in an invalid search, to be, S. 29, p. 582

**Relevant Evidence Contd.**

person other than accused convicted, admissible in evidence, relevant in other proceedings too, S. 30, p. 612

**Religion**, presumption as to, S. 114, p. 1727

**Remedial statutes**, interpretation of, Preamble, p. 17

**Remedy**, estoppel by accepting a particular, S. 115, p. 1914

**Rent**—payment of, to establish relation of landlord and tenant, S. 116, p. 1942  
proof of, receipts, S. 32, p. 690

*res judicata*, when decision in, suits operate as, S. 40, p. 823

**Repeal**, enactments, of, Schedule, p. 2352

previous rules of evidence, of all, S. 2, p. 33

**Reply**, evidence in, and rebuttal, S. 135, p. 2115

right of, in civil cases, S. 135, p. 2146

right of, in criminal cases, S. 135, p. 2143

right of, in appeal in criminal cases, S. 135, p. 2144

**Report of decisions**, presumption as to, S. 84, p. 1235

**Reports**, admissibility of official, S. 35, pp. 787, 796

chemical examiner, S. 45, p. 898

finger print expert, S. 45, p. 924

police officers by are not public documents, S. 74, p. 1201

relevancy of rulings in authorised and unauthorised law, S. 38, p. 809

**Representation**, estoppel by, S. 115, pp. 1739, 1756, 1794 (See, *Estoppel*)

**Representative**, legal, in S. 33, S. 33, p. 744 (See, *Interest*)

meaning of, in interest in S. 33, S. 33, p. 743

rules of estoppel are binding upon, S. 115, p. 1907

S. 47 Cr., p. Code, in, S. 18, p. 378

statements made in, character how far admissions, S. 18, p. 376

widow of a dead person is not his, in interest for giving consent to disclosure of communication during marriage, S. 127, p. 1987

**Representative in interest**, admission by, S. 21, p. 394

reversioner, S. 21, p. 402

**Reputation—Repute**, (See, *Character*)

admissibility of evidence of family, S. 50, p. 954

admissibility of general evidence of repute in proof of relationship, S. 50, p. 953

admissibility of oral evidence as to reputed common descent, S. 32, p. 720

character includes, S. 55, p. 985

disposition included in 'character', S. 55, pp. 982, 985

evidence is competent both for and against public right, S. 32, p. 707

evidence of, should be general, S. 55, p. 989

evidence of, should be confined to the traits which the charge is concerned about, S. 55, p. 991

evidence of general, for untruthfulness, S. 155, pp. 2260, 2261, 2263

general, what is, S. 55, p. 989

hearsay distinguished, S. 55, p. 991

marriage may be established by, S. 50, p. 954

opinion of general, of deceased persons and not of particular facts admissible as to the existence of public right or custom, S. 32, p. 705

presumption of marriage from habit and repute, S. 114, p. 1721

rumour or hearsay distinguished, S. 55, p. 991

**Res gestae**, meaning of, S. 6, p. 156

facts admissible as part of, S. 6, p. 155

subject-matter of Ss. 6, 7, 8, 9, 14 come within, S. 6, p. 156

**Res inter alios actae**, English and Indian law as to, S. 14, p. 322 (See, *Similar*)

**NOTE : Pages 1 to 1444 relate to Vol. I and Pages 1445 to 2380 relate to Vol. II.**

**Res inter alios actae Contd.**

inadmissible, S. 14, p. 322  
relaxation of the rule as to, S. 14, p. 323

**Res ipsa loquiture**, civil doctrine, not applicable to criminal cases, S. 104, p. 1478

**Res judicata**, applicability of, in criminal cases, S. 40, p. 824 (See, *Judgment*)

between co-defdts, co-plffs, S. 40, p. 823  
conditions necessary to constitute, S. 40, p. 822  
decision in rent suits, when, S. 40, p. 823  
estoppel, distinguished, S. 40, p. 822  
*ex parte* decree when, S. 40, p. 823  
object of, belongs to procedure, S. 40, p. 821

**Rescission**, oral evidence of subsequent agreement to rescind contract in writing but not registered, S. 92, pp. 1377, 1378, 1380

oral evidence of subsequent agreement to rescind registered contract not admissible, S. 92 pp. 1378-1381, 1387

**Resemblance**, admissibility of evidence of, in paternity, S. 46, p. 934, S. 50, p. 957

**Resumption**, burden of proof in suits for, and assessment, S. 104, p. 1509

**Retracted Confession**, S. 24, p. 466, S. 133, p. 2110 (See also, *Confession*)

accomplice evidence, and, S. 24, p. 475  
approver, of, S. 133, p. 2111  
co-accused, against, S. 24, p. 467  
co-accused, use against, S. 24, p. 472  
contradiction, S. 24, p. 476  
corroboration of, S. 24, pp. 468, 472, 473  
importance of corroboration of, S. 24, pp. 467, 472, 473  
meaning of, S. 24, p. 466  
nature of corroboration, S. 24, p. 473  
pardon, made under expectation of, S. 24, p. 471  
reliance on, S. 24, p. 467  
rules as to, use of, S. 24, p. 466  
summary of law as to, S. 24, p. 474  
use of, against maker, S. 24, p. 466  
use of against co-accused, S. 24, p. 472  
value of, S. 24, p. 467

**Retrospectivity**, Preamble, p. 19

**Return**, admissibility of income-tax, S. 74, p. 1194 (See, *Income-tax*)

admissibility of road-cess, S. 13, p. 305, S. 21, p. 403, S. 35, p. 778  
peon of service of processes whether public document, S. 35, p. 793, S. 74, p. 1197  
what is a, S. 35, p. 776

**Revenue**, relevancy of entry in, records, S. 35, pp. 782, 795

**Reversioner**, estoppel against, S. 115, pp. 1847, 1904

presumption of legal necessity from consent of, to alienation, S. 114, p. 1728

**Right**, buyer's representation not to exercise his, S. 115, p. 1789

civil cases, to begin in, S. 135, pp. 2142, 2146  
competency of witness to give opinion as to existence of general, S. 48, p. 944  
criminal cases, to begin in, S. 135, p. 2143  
criminal cases, of reply in, S. 125, p. 2143  
facts inconsistent with existence of, S. 13, p. 270  
facts relevant when any, or custom is in question, S. 13, p. 270  
incorporeal rights, includes and also, but every right known in law, S. 13, p. 276  
meaning of, in, S. 32(4), S. 32, p. 707  
opinion of dead persons as to existence of public, or custom, S. 48, pp. 943, 946  
opinion of general reputation as to public, admissible, S. 48, p. 647

**Right Contd.**

- opinion of living persons as to general, when relevant, S. 48, pp. 943, 945
- public and general, S. 13, p. 277, S. 32, p. 706
- public and private, S. 13, p. 277
- reputation evidence as to, is competent both for and against, S. 48, p. 648
- Road**, judicial notice of rule of, S. 57(13), S. 57, pp. 994, 1009
- Road cess Returns**, admissibility of, S. 13, p. 305, S. 21, p. 403
- Robokari**, relevancy of, S. 13, p. 304
- Roll of Solicitors**, admissibility of, S. 35, p. 791
- Rules**, judicial notice of, having force of law, S. 57(1), S. 57, pp. 993, 1000
- Ruling out**, evidence admitted earlier, S. 167, p. 2352
- Rumour**, reputation to be distinguished from, S. 55, p. 991
- Sale**, admissibility of parol evidence to prove apparent, to be mortgage, S. 92, pp. 1333-34, 1338
- certificate of, not necessary to establish title, S. 91, p. 1275
- doctrine of part performance, S. 91, p. 1288
- suit to set aside,—onus of proving service of notice, S. 104, p. 1503
- Sale-Certificate**, proof of title independently of, S. 91, p. 1275
- relevancy of, S. 13, p. 305
- whether public document, S. 74, p. 1200
- Sale-Deed**, admissibility of, as assertion of title, S. 13, p. 306
- of third party, relevancy of, S. 13, pp. 306-7
- oral evidence to show that land was inserted in, only for registration, S. 92, p. 1327
- public document, is not a, S. 74, p. 1200
- recitals in, not *inter partes*, S. 13, pp. 307, 309
- relevancy of recital of boundaries of adjoining lands in, S. 13, p. 307, S. 32, p. 701
- Sanity**, presumption of, S. 114, p. 1728
- Sarpanch**, confession before, S. 24, p. 459
- Savings**, Indian Succession Act relating to will, S. 100, p. 1442
- Scandalous question**, S. 151, p. 2235
- Schedule**, enactments repealed, of, Schedule, p. 2352
- omission of claim in, of debts is admission that such debt is not due, S. 31, p. 620
- School Records**, admissible to prove age &c, S. 35, p. 791
- Science or Art**, opinion of experts on, S. 45, p. 860 (See, *Experts*)
- use of books of, by court, S. 57, pp. 994, 1009
- what is, S. 45, pp. 868, 893
- Seal**, comparison of, which other, S. 73, p. 1164
- judicial notice is taken of certain, S. 57(6), pp. 994, 1004
- presumption as to, in ancient document, S. 90, p. 1252
- Search**, oral evidence of, list whether admissible, S. 91, p. 1292
- secondary evidence of original before admission of, S. 74, p. 1199
- Search and Seizures**, confession by accused, as to certain articles seized in an invalid, to be relevant in evidence, S. 29, p. 582
- Search witness**, S. 5, p. 142
- Secondary Evidence**, admissible, when person with the document in court declines to produce it, S. 65, p. 1083
- admissible when for any other sufficient reason document cannot be produced, S. 65, p. 1099
- admissible when original is not easily movable, S. 65, p. 1099
- admissible when the original is a public document, S. 65, p. 1100
- cases in which, relating to document may be given, S. 65, p. 1077

**Secondary Evidence *Contd.***

- certified copies are, S. 63, p. 1065
- conditions under which, is admitted, S. 65, pp. 1077, 1080
- copies by mechanical process are, S. 63, p. 1066
- copies from original by mechanical process, S. 63 (2), p. 1063
- copies made from or compared with the original, are, S. 63 (4), pp. 1063, 1068
- counterparts of documents are, S. 63, p. 1070
- document used to refresh memory, S. 159, p. 2300
- documents cannot be proved by when original is available, S. 61, p. 1056, S. 63, p. 1072, S. 64, p. 1075, S.91, p. 1265
- documents may be proved by, when production of original is physically or legally impossible, S. 61, p. 1055, S. 65, p. 1099
- existence, condition or contents have been admitted in writing, S. 65, p. 1091
- law recognizes no degree in the various kinds of, S. 63, p. 1072
- limitation Act [S. 19 (now S. 18)] does not exclude, of acknowledgment, S. 65, p. 1084, S. 91, p. 1291
- meaning of, S. 63, p. 1063
- non-production of original is accounted for, not admissible until, S. 65, p. 1083
- not admissible until notice to produce original has been given, S. 66, pp. 1104, 1107
- notice to produce, rules as to, S. 66, p. 1104
- objection in appeal to the admissibility of, S. 65, p. 1083
- oral account of contents of documents, S. 63 (5), p. 1063
- oral accounts of documents by one who has seen, are, S. 63, p. 1071
- oral and written admission of existence, condition or contents, of document, S. 65, p. 1091
- original consisting of voluminous documents, S. 65, p. 1103
- original has been destroyed or lost, S. 65, p. 1093
- original in possession of one beyond jurisdiction, S. 65, p. 1088
- original in possession of one legally bound to produce, S. 65, p. 1088
- original in possession or power of other party, S. 65(a), p. 1086
- original itself is inadmissible, not admissible when, S. 65, pp. 1083, 1091
- photographs as, S. 63, p. 1067
- probate, of, S. 41, p. 831, S. 65, p. 1097
- rules as to notice to produce before giving, S. 66, pp. 1104, 1107 (See, *Notice*)
- tape record of statement as, S. 63, p. 1068
- what it includes, S. 63, p. 1063
- Secrecy**, relevency of confession made under promise of, S. 29, pp. 579, 581  
translation by interpreter of, S. 162, p. 2309
- Secret document**, Crown's right as to recovery of, for discovery of informant's identity, S. 132, p. 2063  
Crown's right for discovering informant's identity, S. 132, p. 2063  
witnesses for discovering informant's identity, Crown's right, S. 132, p. 2063
- Select Committee Report**, Preamble, p. 20
- Self-Acquisition**, of property, burden of proof of, S. 104, p. 1491
- Self-incrimination**, witnesses, breach of confidence and privilege against, S. 132, p. 2062  
witnesses, where objection raised, as may cause to risk of, S. 132, p. 2064
- Settlement**, privilege continues even after, if negotiations are without prejudice, S. 23, p. 412  
relevancy of entry, in, records, S. 35, pp. 782, 795
- Sex**, cross-examination of victim as to, with other men, S. 155, p. 2272
- Sexual assault on children**, evidence of similar acts, S. 15, p. 349
- Sexual Offences**, corroboration in cases of, S. 134, p. 2136  
cross-examination to lead to disclose victim's credibility, S. 155, p. 2272  
incidents relevant to issue of consent, cross-examination allowed, S. 155, p. 2273  
previous convictions for, relevancy of facts, S. 14, p. 336  
warning to jury in, S. 134, p. 2136

- Shebait**, alienation by—burden of proof, S. 104, p. 1489
- "Shall Presume"**,—meaning of, S. 4, pp. 77, 80
- Signature**, absence of, of judge to a deposition does not preclude the presumption that it was duly taken, S. 80, p. 1219
- ancient document, no presumption without, S. 90, p. 1248
  - comparison of, S. 73, p. 1164
  - comparison of, by court, S. 73, p. 1180
  - comparison of, by expert, S. 45, pp. 860, 912 (See, *Expert*)
  - mark, whether includes, S. 47, p. 939, S. 73, p. 1141
  - mark distinguished, S. 73, p. 1141
  - meaning of "seeing the executant sign" in attestation, S. 68, p. 1133
  - meaning of "signed in the presence" in attestation, S. 68, p. 1134
  - mode of proving, S. 47, p. 937, S. 67, p. 1114, S. 73, p. 1164
  - presumption in case of ancient, S. 90, p. 1242
  - proof of, S. 67, p. 1114
- Signs**,—confession by, S. 24, p. 429
- dying person, by, in answer to questions, S. 32, p. 646
  - interpretation of, is for the court, S. 32, p. 646
  - verbal statements, are, S. 32, p. 646
- Signs and gestures**, dying declaration recorded on the basis of, S. 32 (1), p. 647
- Silence**, accused of when accusation made, S. 9, p. 200
- admission, when amounts to, S. 9, p. 200
  - admission inferred from, S. 9, p. 200, S. 31, p. 620
  - estoppel by, S. 115, p. 1828
  - interest in document, as to, S. 92, p. 1363
  - matter on which a document is silent, S. 92, p. 1364
  - perjury cases, in, S. 9, p. 201
  - presumption from, of a witness, when question impeaching credit is asked, S. 148, p. 2230
  - rape cases, in, S. 9, p. 201
  - separate oral agreement as to matter silent in document, S. 92, p. 1361
- Similar**, evidence of, facts to show intention or knowledge, S. 14, p. 325 (See, *Res inter alios actae*)
- evidence of, facts admissible to rebut *alibi*, S. 9, p. 205
  - evidence of, acts in gambling, S. 15, p. 346
  - evidence of, acts in kidnapping, S. 15, p. 343
  - evidence of, acts in burglary, S. 15, p. 345
  - evidence of, acts in dangerous practice, S. 15, p. 345
  - evidence of, acts in forgery, S. 15, p. 346
  - evidence of, acts in abortion, S. 15, p. 343
  - evidence of, acts in arson, S. 15, p. 344
  - evidence of, acts in blackmail, S. 15, p. 344
  - evidence of, acts in murder, S. 6, p. 166, S. 9, p. 206, S. 15, p. 347
  - evidence of, acts in libel, S. 15, p. 347
  - evidence of, acts in poisoning, S. 15, p. 348
  - evidence of, acts in fraud, S. 14, p. 324, S. 15, p. 346
  - evidence of, acts in embezzlement, S. 15, p. 345
  - evidence of, acts in cheating, S. 8, p. 192, S. 15, p. 346
  - evidence of, acts in criminal negligence, S. 15, p. 345
  - evidence of, acts in counterfeit coins, S. 15, p. 345
  - evidence of, acts in incest &c, S. 15, p. 346
  - evidence of sexual assault on children, S. 15, p. 349
  - facts though generally inadmissible to prove the main fact are within certain limits admissible for certain purposes, S. 14, p. 325
  - principal of admissibility of, acts and its qualification, S. 14, p. 318
  - principle of rejection of evidence of, facts, S. 14, p. 322

**Similar Contd.**

- relaxation of the rule of rejection of evidence of, facts, S. 14, p. 323
- rule relating to evidence of, facts, S. 14, p. 317
- summary of rules as to relevancy of evidence of, facts, S. 14, p. 324

**Similar fact**, identity, when admissible, S. 15, p. 349

**Similarity**, in cases, relevancy of facts, S. 15, p. 346  
striking, in cases, relevancy of facts, S. 15, p. 346

**Sleep**, confession in, S. 29, p. 583

- statement made when talking in, S. 29, p. 583

**Solicitor**, (See, *Pleader, Attorney, Legal Adviser, Privileged Communications*)  
communications, between expert and, evidence, S. 126, p. 2042

**Soliloquy**, admission made in, S. 29, p. 583

**Sovereign**, judicial notice taken of accession and sign manual of, S. 57(5), pp. 993, 1004

**Special circumstances**, statements made under, hospital records, S. 34, p. 771

**Special laws**, prosecution under, S. 5, p. 123

**Specific performance**, estopped from demand of, since purchasers accepted a particular remedy, S. 115, p. 1914

**Specific Relief Act**—mistake in contract may be proved without prior rectification under, S. 92, p. 1360

- possessory title whether can be relied on in suit under, S. 92, p. 1360

**Spoilation**, evidence, of, S. 114, p. 1678

**Spy**, accomplice and, S. 133, p. 2088

**Stamp**—admissibility of oral evidence or original consideration when document is inadmissible for want of or insufficiency of, S. 91, p. 1275

- effect of improper admission of documents without, S. 167, p. 2344
- letter containing admission requires no, S. 17, p. 369
- presumption as to, of documents called for and not produced, S. 89, p. 1241
- secondary evidence not admissible where original inadmissible for want of, S. 65, p. 1084

**Standard of proof**, absolute certainty not required, S. 3, p. 53

- balance of probability, S. 3, p. 52
- military proceedings, S. 3, p. 60
- particular mode of proof cannot be insisted, S. 3, p. 53
- presumption of innocence, S. 3, p. 52
- probative effects of evidence in civil and criminal cases, S. 3, p. 58
- proof beyond reasonable doubt, S. 3, p. 52
- prudent man, requirement, S. 3, p. 53

**Standing By**, doctrine of, S. 115, p. 1820 (See, *Estoppel by Acquiescence*)

**State**—affairs of, how to claim privilege as to, S. 123, p. 2011

- affairs of, what are, S. 123, p. 2004
- court alone is to determine whether document objected to relates to affairs of, S. 123, p. 2001
- evidence as to affairs of, not allowed, S. 123, p. 1990
- inspection of documents relating to, affairs of, S. 123, pp. 1993, 2011
- papers, when privilege is absolute, no secondary evidence is admissible of, S. 123, p. 2010 (See, *Affairs of State*)
- privilege as to affairs of, S. 123, pp. 1990, 1997
- privilege as to affairs of, to be claimed by head of department, 2011
- proceedings under Income Tax Act whether affairs of, S. 123, p. 2009
- summary of law as to privilege regarding affairs of, S. 123, p. 2003
- unpublished official records relating to, S. 123, p. 2005

**State of mind**, relevancy of facts showing existence of, S. 14, p. 309

**State of Things**—continuance of, once shown to exist, S. 109, p. 1563  
fact is a, S. 3, p. 41

**Statement by persons, corroboration, S. 32, p. 639**

**Statement of relevant fact, by person being overseas witness, can be given by means of a television-linkage, S. 32, p. 633**

**Statement(s), accused, of, immediately after occurrence, S. 14, p. 325**

accused, by, amounting to admissions, S. 21, p. 47

act, and, S. 8, p. 198

agents, by, S. 18, p. 375

agents, by in criminal cases, S. 18, p. 376

*ante litem motam*, must be made, S. 32, pp. 713, 722

dead person by as to relationship, pedigree &c., S. 32, pp. 622, 709, 714, 722

dead person by giving opinion as to public right or custom or matter of general interest, S. 32, pp. 622, 703

dead person by in document relating to 'transaction' in, S. 13, S. 32, pp. 622, 726

dead person by made in will or deed relating to family affairs, S. 32, pp. 622, 722

dead persons by against interest, S. 32, pp. 621, 691

dead persons by in the ordinary course of business, S. 32, pp. 621, 683

deceased of immediately after incident, S. 8, p. 199

distinction between complaints and, S. 8, p. 198

dying persons by as to cause of death, S. 32(1), pp. 621, 640

first, immediately after the incidence, admitted, S. 8, p. 197

former, of witnesses may be used to corroborate later testimony, S. 157, p. 2276 (See, *Corroboration, Previous Statement*)

injured person of immediately upon hurt, S. 6, p. 161

investigation, to police, during, S. 6, p. 167

made in presence of accused not contradicted, S. 8, p. 200

meaning of, S. 24, p. 425

meaning of statement in, S. 32, S. 32, p. 631

meaning of statement in, S. 157, S. 157, p. 2279

persons from whom the parties to the suit have derived interest, S. 18, pp. 371, 382

persons having pecuniary or proprietary interest, S. 18, p. 371

persons whose position and liability it is necessary to prove, as against party to suit, S. 19, p. 388

police officer by to complainant in the presence of accused, S. 8, p. 200

previous, in deposition by persons dead or who cannot be called, S. 33, p. 731

previous consistent, first statement admitted immediately after the incidence, S. 8, p. 199

qualified, S. 17, p. 365

referees, by, S. 20, p. 391

representative character; made in, S. 18, pp. 371, 376

several persons by expressing feelings relevant to the matter in issue, S. 32, pp. 622, 729

whole of the, containing admission must be taken together, S. 17, p. 361

**Statements made under special circumstances, hospital records, S. 34, p. 771**

information supplied to magistrate's court, S. 35, p. 778

relevancy of entry in bills of lading, S. 34, p. 772

relevancy of entry in overseas police record, S. 34, p. 771

**Status, relevancy of judgment on question of, S. 4, pp. 826, 828, 837**

**Statutes, statement of fact of public nature in, S. 37, p. 807**

**Stock witness, S. 5, p. 140**

extra-judicial confession made, S. 24, p. 432

**Stolen article, identification of, S. 9, p. 213**

previous conviction for handling, S. 14, p. 336

**Stolen goods, (See, *Stolen property*)**

**Stolen Property—failure to explain possession, S. 114, p. 1645**

nature and extent of presumption from possession, S. 114, p. 1646

possession of, does not shift the main burden of proof, S. 114, p. 1646

possession of, must be exclusive, S. 114(a), p. 1650

**Stolen Property Contd.**

- possession of, must be fairly recent, S. 114(a), p. 1651
- possession of other, along with a particular stolen article, S. 14(a), pp. 310, 329
- presumption from possession of, soon after theft, S. 114, *illus. (a)*, pp. 1636, 1644
- receiving, and guilty knowledge, S. 14, p. 329
- rules for the application of presumption in, S. 114, *illus (a)* as to, S. 114(a), p. 1647
- time factor, S. 114(a), p. 1644

**Stone**, inscription on, is document, S. 3, p. 38

**Stridhan**, burden of proof of, S. 104, p. 1492

**Sub-tenancy**, burden of proof, S. 104, p. 1510

**Suble Hig**, presumption, S. 114, p. 1730

**Subsequent conduct**, relevancy, S. 8, p. 171

**Subsequent facts**, theory of confirmation by, S. 27, p. 536

**Succession Act**, saving of provisions of the, relating to construction of wills, S. 100, p. 1342

**Suicidal death**, dying declaration, S. 32, p. 674

**Suicide**, abetment of, presumption as to, by a married woman (new), S. 113A inserted by Criminal Law (2nd Amendment) Act, 1983 w.e.f. 26-12-1983, S. 113-B, p. 1630

**Superimposition**, process of, indicated, S. 9, p. 209

**Surety**—admissibility of oral evidence to show that a person signed as, S. 92, p. 1374  
liability co-extensive with principal, S. 92, p. 1374

**Surrounding Circumstances**, extrinsic evidence of, S. 92, p. 1395  
facts admissible as, to interpret documents, S. 92, p. 1395

**Survey Map**, (See, *Map*)

**Survivorship**, deaths in a common calamity, no presumption of, in the case of, S. 108, p. 1557

**Suspicion**, evidence and, S. 3, p. 52

decisions to be based not on, S. 3, p. 54

is not proof or evidence, legal proof and, S. 3, p. 55

legal proof and, S. 3, p. 54

**TADA, Act 1987**, confession of co-accused under, S. 30, p. 604

identification of accused on the basis of photograph, S. 9, p. 227

**Talab Baki Papers**, admissibility of, S. 34, p. 769

**Tape Record**, S. 3, p. 44

admissibility of, S. 8, p. 176, S. 63, p. 1067, S. 146, p. 2225, S. 157, p. 2288

**Tapping telephone**, admissibility, S. 5, p. 96

**Technical**—evidence as to meaning of, expressions, S. 98, p. 1434

**Teishkhana Register**, relevancy of entry in, S. 35, p. 794

**Telegram**, evidentiary value, S. 62, p. 1059

identity of sender of, S. 11, p. 263

mode of proving contents of, S. 88, p. 1239, S. 91, p. 1295

presumption as to telegraphic messages, S. 88, pp. 1239, 40

**Telegraphic message**, presumption as to, S. 88, p. 1239

**Telephone**, admissibility of communications received through, S. 60, p. 1048

expert opinion on telephony, S. 45, p. 893

identity of person talking over the, S. 60, p. 1048

tapping, admissibility, S. 5, p. 96

**Telephone Bill**, microfiche of held to be admissible, S. 60, p. 1049

**Telephone Calls**, computer printout of, admissible evidence, S. 60, p. 1049

**Telephony**, expert evidence on, S. 45, p. 893

- Television link**, evidence through live, S. 60, p. 1041
- Television linkage**, statement by means of, by a person being overseas witness, S. 32, p. 633
- Telex instructions**, parol evidence rule applies to documents in which parties conclusively embodied their instructions, S. 91, p. 1305
- Tenant—Tenancy**, attornment to a third party and estoppel of, S. 116, p. 1938
- burden of proof, in suits for enhancement of rent, S. 104, p. 1484
  - burden of proof in suits between landlord and, S. 104, p. 1496
  - burden of proof in suits for ejectment, S. 104, p. 1482
  - effect of, S. 60 of the B. T. Act, S. 116, p. 1941
  - estoppel, of, S. 116, p. 1915
  - estoppel as between landlord and, S. 116, pp. 1915, 1931
  - estoppel as between landlord and, “during the continuance of tenancy”, S. 116, p. 1923
  - estoppel as between landlord and, “at the beginning of tenancy”, S. 116, p. 1927
  - estoppel of, and derivative title of landlord, S. 116, p. 1937
  - estoppel whether, landlord promising, to remain in house lifetime, S. 115, p. 1789
  - landlord and, relationship of, burden of proof, S. 109, p. 1562
  - persons claiming through, S. 116, p. 1943
  - presumption as to continuance of relation of landlord and, S. 109, p. 1562
  - presumption as to encroachment by, S. 114, p. 1708
  - presumption as to holding over by, S. 109, p. 1564
  - presumption as to nature of, S. 114, p. 1730
  - putting, into possession, what is meant by, S. 116, p. 1927
  - relation of landlord and tenant how created, S. 116, p. 1942
  - right of a, to question *benami* title of his landlord, S. 116, p. 1939
  - right of a, to plead adverse possession, S. 116, p. 1935
  - rule of estoppel applies even when a, already in possession becomes tenant to another, S. 116, pp. 1918, 1927, 1928, 1929
  - whether denial of landlord’s title by, is a ground of forfeiture, S. 116, p. 1944
- Tenets**, opinion as to, of men or family, S. 49, p. 946
- Tenuous evidence**, ruling out evidence admitted earlier, on base as being, S. 167, p. 2352
- Tenure**, identity of, S. 9, p. 232
- prosecution under, S. 5, p. 123
  - Terrorist and Disruptive Activities (prevention) Act, 1987
- Test identification**, parade, allowed admission of evidence, after close of prosecution case, S. 167, p. 2352
- Testator**, burden of proving sound and disposing mind of, S. 104, p. 1513 (See, *Will*)
- Testify**, when witness afraid to, S. 118, p. 1969
- Testimony**, unsworn, of a child, S. 118, p. 1956
- Text books**, reference to, by experts, S. 45, p. 884
- Thak Map**, (See, *Maps*)
- Theft**, presumption of, from recent possession of stolen property, S. 114(a), pp. 1636, 1644 (See, *Stolen Property, Presumption*)
- previous conviction in, relevancy, S. 14, p. 335
- Thing(s)**—evidence of, can be given by person who has seen it, S. 61, p. 1055
- evidence of character of, S. 52, p. 963
  - facts necessary to establish identity of, S. 9, pp. 202, 207
  - judge may order the production of any material, S. 60, pp. 1038, 1053, S. 165, pp. 2318, 2326
  - production of material, for inspection, S. 60, p. 1036, 1053
- Third person**, admission of facts cannot be by experts, S. 45, p. 933
- opinion, when relevant if expert sends his report with letter, S. 45, p. 932
  - opinion of, handwriting expert, advising both sides, S. 45, p. 874
  - opinion of expert in writing by a letter with report, in a case of negligence, S. 45, p. 932

- Threat**, confession obtained by, S. 24, pp. 412, 451  
 confession obtained by removal of impression caused by, S. 28, pp. 575, 578  
 evidence of similar transaction on charge of obtaining money by, S. 14, p. 324
- Thumb Impression**, making identity improbable, S. 11, p. 264 (See, *Finger Impression*)  
 value of, for identification, S. 9, p. 233
- Time**, judicial notice of divisions of, S. 57 (9), pp. 994, 1006  
 presumption as to, no of death in, S. 108, S. 108, p. 1552
- Time and distance**, reference to, S. 5, p. 146
- Time of death**, determination of, S. 45, p. 909  
 medical evidence on, S. 45, p. 909
- Title**, lawful possession is evidence of, S. 110, pp. 1565, 1567  
 possessory, whether can be relied on in a suit other than a suit under, S. 9 (now, S. 6), S. R. Act, S. 110, p. 1575  
 presumption of, from possession, S. 110, p. 1567  
 presumption of, when evidence of possession is conflicting, S. 110, p. 1574  
 presumption of, from possession by one co-owner, S. 111, p. 1581 (See, *Ownership*)  
 tenant estopped from denying landlord's, S. 116, p. 1915 (See, *Estoppel*)
- Title Deeds**—oral evidence of mortgage by deposit of, admissible when the memorandum is simply the record of completed transaction, S. 91, p. 1300  
 person present in court if compellable to produce his, S. 130, p. 2055  
 production of, by a witness who has a lien upon them, S. 130, p. 2055  
 production of, of a principal in the possession of another, S. 131, p. 2056  
 secondary evidence of, which witness cannot be compelled to produce, S. 130, p. 2055  
 witness not a party cannot be compelled to produce his, S. 130, pp. 2052, 2055
- Tombstone**, statements on, as to relationship, S. 32(6), p. 622
- Torch light**, identification in, S. 9, p. 224
- Tracker dogs**, S. 45, p. 890
- Trade**, usage of, S. 13, p. 297 (See, *Custom*)
- Trade Mark**, expert opinion on, S. 45, p. 893  
 presumption in, dispute, S. 114, p. 1732
- Tradition**, (See, *Family Tradition*)
- Transaction**, meaning of, S. 6, p. 159  
 admissibility depends on continuity of, S. 6, p. 165  
 admissibility of judgments, decree &c., not *inter partes* as, S. 13, p. 279  
 facts forming part of same, how to ascertain, S. 6, pp. 159, 160, 163  
 Ss. 220 and 223 Cr., p. Code, in, S. 6, p. 167  
 statement to police as part of, S. 6, p. 167
- Transactions**, banking, can be proved by microfilm, App. C, p. 2370
- Transfer of Property Act**, meaning of attestation under, S. 59, S. 68, pp. 1131, 1134 (See, *Attested*)  
 presumptions under Ss. 53, and 101 of, S. 114, p. 1728  
 Ss. 41 and 43, and title by estoppel, S. 115, p. 1875  
 S. 53A, and part performance, S. 91, p. 1288  
 S. 54, and doctrine of part performance, S. 91, p. 1288
- Transferability of Occupancy-holding**, burden of proving, S. 104, p. 1510  
 proof of, usage of, S. 13, p. 297
- Translation**, accuracy of, may be questioned, S. 98, p. 1439  
 foreign documents and expert evidence, of, S. 98, p. 1439  
 State documents or privileged documents to be kept secret, S. 162, p. 2309
- Treatise**, expert can refresh memory by reference to professional, S. 159, pp. 2292, 2300  
 opinion of experts expressed in any (S. 60), S. 60, pp. 1038, 1052  
 use of scientific and other, by court, S. 57, pp. 900, 994 (See, *Books*)

- Trespasser**, conspiracy of co-trespassers, S. 10, p. 252  
presumption of title from possession does not apply to, S. 110, p. 1567
- Trial**, confession during, S. 24, p. 461  
fresh trial, discretion to order, S. 67, p. 2348
- Trustee**, burden of proving good faith in transactions between, and beneficiary, S. 111, pp. 1581-82 (See, *Good faith*)  
estoppel in the case of, S. 115, p. 1903
- Tutoring**, child witness, S. 118, p. 1958
- Type-Written**, expert opinion of, specimens, S. 45, p. 893  
proof of, documents, S. 67, p. 1121
- Typewriting**, identification of, principles underlying, S. 45, p. 894
- Typewriting specimen**, S. 45, p. 893
- Ultra-violet rays**, S. 45, p. 887
- Undue Influence**, 'active confidence' rule, cases that come within the, S. 111, p. 1590  
burden of proof of, S. 104, p. 1511, S. 111, p. 1583  
points for determination of question of, S. 111, p. 1590  
presumption of, against a person in position of active confidence, S. 111, pp. 1581-82, 1590  
presumption of, when does not arise, S. 111 p. 1591  
what is, S. 111, p. 1588  
Wills whether excluded from the rule in, S. 111, S. 111, p. 1585 (See, *Confidence, Good faith*)
- Unfair means**, using, presumption, S. 114, p. 1732
- University**, Calendar &c., admissible to prove, degree, S. 35, p. 791  
Vice-Chancellor of, is public officer, S. 124, p. 2016
- Unlawful Assembly**, statements by members of, S. 6, p. 167
- Unregistered**, (See, *Registration*)
- Unregistered Letter**, agreement in, to modify the terms of mortgage, S. 92, p. 1390
- Unreported Case**, authority of, S. 38, p. 809
- Unsoundness of mind**, burden of proof, S. 105(a), p. 1515
- Unsworn Testimony**, child, in a case of indecent assault, S. 118, p. 1956
- Usage**, difference between, and custom, S. 49, p. 949  
opinion of competent persons as to of any body of men or family, S. 49, p. 946  
oral evidence of mercantile and other, attached to written contract, S. 92, p. 1394  
practice and custom, S. 13, p. 287  
proof of mercantile or business, as incident to written contract, S. 92, p. 1391  
proof of usage and custom, S. 49, p. 948 (See, *Custom*)  
trade of, S. 13, p. 297
- Vakil** (See, *Pleader*)
- Veracity**, answers to question testing, cannot be contradicted, S. 153, p. 2241, 2243  
contradiction allowed on a fact which is the foundation of the case and not fact directed to the, of a witness, S. 153, p. 2246  
general reputation for untruthfulness, should be impeached by evidence of, S. 155, p. 2263  
impeaching credit by evidence of persons that witness is unworthy of belief, S. 155, pp. 2259, 2262  
questions lawful in cross-examination to test, of a witness, S. 146, p. 2222 (See, *Credit, Contradiction*)  
testing, and impeaching credit, S. 146, p. 2224  
testing, questions cannot be asked to show that witness was not believed in another case, S. 155, p. 2265
- Verbal**, contradiction of a witness by his previous, or written statements, S. 144, p. 2205, S. 155, pp. 2259, 2266, 2267 (See, *Contradiction*)

**Verbal Contd.**

- meaning of, S. 32, p. 631
- signs or motions whether statements, S. 32, p. 646
- "written" or "verbal", S. 32, p. 631

**Verification**, corroboration of accomplice evidence, S. 133, p. 2112  
proceedings, relevancy of, S. 24, p. 465

**Victim's Credibility**, cross-examination when, allowed and relevant in sexual offences matters, to victim to lead evidence to, S. 155, p. 2272

**Video tape**, identification through, S. 9, p. 227

**Village Magistrate**, confession before, S. 24, p. 459  
person in authority, is, S. 24, p. 459

**Voice**, identification by, S. 9, p. 224

**voice identification**, expert evidence on, S. 45, p. 869

**Voluntary Confession**, prosecution must prove, taken by video recording (silent), S. 25, p. 500

**Waiver**,—estoppel, and, S. 115, p. 1836  
estoppel in cases involving constitutional rights, S. 115, p. 1843  
proof of document, of, S. 5, p. 97  
rule of, not applicable in criminal cases, S. 5, p. 97, S. 33, p. 736  
"without prejudice," rule of, S. 23, p. 410

**War**—judicial notice of commencement of, S. 57(11), S. 57, pp. 994, 1007  
judicial notice of articles of, S. 57(3), S. 57, pp. 993, 1003

**Warning**, effect of want of, before recording confession, S. 29, p. 585  
rule as to, does not override, S. 29, S. 29, p. 586  
to prisoner before recording confession, S. 24, p. 481

**Warranty**, oral evidence of an implied, S. 92, p. 1367

**Waste Lands**, possession of, S. 110, p. 1572

**Water mark**, cartridge paper, on, S. 45, p. 897

**Wazib-ul-arz**, entry in, S. 13, p. 293

**Weight**, evidence, of, S. 5, p. 98 (See, *Appreciation*)

**Wife**, communications between husband and, during marriage are absolutely privileged, S. 122, p. 1981 (See, *Husband and Wife, Privileged Communication*)  
competency of, as a witness in proceedings under the Divorce Act, S. 120, p. 1974  
competent witness in all civil proceedings, S. 120, p. 1972  
criminal proceedings competent witness, S. 120, p. 1972  
evidence of, on questions of legitimacy or access, S. 112, p. 1623  
husband leaving house told it belonged to his, estoppel claimed by, S. 115, p. 1789

**Will**, burden of proving execution of, S. 104, p. 1513  
burden of proving testamentary capacity in, S. 104, p. 1513  
estoppel of executor with regard to disposal of property by, S. 115, p. 1879  
extrinsic evidence in the case of, S. 92, p. 1395  
extrinsic evidence in the construction of, S. 92, p. 1402  
general rules as to construction of, S. 92, p. 1403  
Indian Succession Act, saving of provision of, S. 100, p. 1242  
oral declaraiton of testator in conditional, S. 92, p. 1374  
oral evidence in, to negative *animus testandi*, S. 92, p. 1373  
presumption of distruction of, by testator, S. 104, p. 1514  
probate, may be proved by, S. 91, pp. 1265, 1292  
probated in foreign country, S. 91, p. 1292  
proof of lost or suppressed, S. 65, p. 1097  
proof of oral, S. 104, p. 1514  
quantity of evidence required in, cases, S. 134, p. 2135

**Will Contd.**

- relevancy, of, not admitted to probate, S. 13, p. 306, S. 91, p. 1292
- relevancy of declaration of intention in regard to, S. 92, p. 1395
- rule in, S. 111, whether, excluded from, S. 111, p. 1585
- saving of the provisions of the Succession Act as to construction of, S. 100, S. 100, p. 1442
- statement relating to family affairs made in, S. 32 (6), p. 621
- Wigram's rules as to interpretation of, S. 92, p. 1401

**Without Prejudice**, letters written, S. 23, p. 411

- meaning of, S. 23, p. 410
- negotiations during compromise or arbitration proceedings are generally, S. 23, p. 410
- privilege continues, if negotiations are, S. 23, p. 411
- statement made, not relevant, S. 23, p. 410
- waiver of the rule of, S. 23, p. 410

**Witness**, accomplice is a competent, S. 133, p. 2072

- accused not competent to be, unless a witness for defence, S. 118, p. 1969
- admissibility of note or statement of a, S. 129, p. 2051
- advocate's privilege as to order of production and examination of, S. 135, p. 2147
- afraid to testify, S. 118, p. 1969
- arbitrator as, S. 118, p. 1970, S. 121, p. 1976
- assessors and jurors are competent, S. 118, p. 1970
- character, to, S. 140, p. 2197
- character to—cross-examination of, S. 140, p. 2197
- charge of defamation for answers, S. 132, p. 2070
- child, in English and Indian law, S. 118, p. 1955
- child, competency of, mode of ascertaining, S. 118, p. 1960
- child witness, value of evidence, S. 118, p. 1957
- communications between solicitor and expert, S. 126, p. 2042
- compelled to answer criminating questions impeaching his credit, if relevant to the suit, S. 147, p. 2230
- competency and compellability of, S. 118, p. 1955
- competency of, mode of ascertaining, S. 118, p. 1960
- conduct of, presumption, S. 114, p. 1703
- court's discretion in regulating the order of examination of, S. 135, p. 2147
- court may forbid indecent and insulting questions to, S. 151, p. 2235
- criminating question to accused when he is a defence, S. 132, p. 2071
- cross-examination, S. 137, p. 2155
- cross-examination directed to test veracity of, S. 146, p. 2222
- cross-examination of, as to previous contradictory statements in writing, S. 145, pp. 2206, 2209
- cross-examination of, as to previous contradictory verbal statements, S. 145, p. 2210, S. 155 pp. 2259, 2266
- cross-examination of, S. 138, p. 2162 (See, *Cross-examination*)
- cross-examination of, examined before committing magistrate, but not called in the sessions court, S. 138, p. 2184
- cross-examination of, called to produce document, S. 139, p. 2196
- cross-examination of party's own, S. 138, p. 2175
- cross-examination of person called to produce a document, S. 139, p. 2196
- Crown's right to recover secret document, S. 132, p. 2063
- deaf and dumb, competency of, S. 118, p. 1954, S. 119, p. 1971
- deplorable condition of, in cross-examination, S. 152, p. 2237
- discovery against persons not parties to proceedings, S. 131, p. 2058
- doctrine of public interest immunity exists in criminal cases, S. 123, p. 2013
- drug trafficking proceeds, files connected with purchase transaction of property, evidence, S. 126, p. 2042
- dumb, S. 119, p. 1971
- duty of counsel in cross-examining, to credit, S. 146, p. 2227, S. 152, pp. 2236, 2239

## Witness Contd.

- duty of Court to examine all, in criminal cases, S. 135, p. 5150
- duty of Courts to examine all, in civil cases, S. 135, p. 2148
- effect of omission to give oath to, S. 118, p. 1965
- evidence, when incapable of giving, S. 32, p. 632, S. 33, p. 740
- examination-in-chief of, S. 137, p. 2155 (See, *Examination-in-chief*)
- executors are competent, S. 118, p. 1971
- extent of privilege of, in answering criminating questions, S. 132, p. 2064
- fear, in afraid to testify, S. 118, p. 1969
- hostile, S. 5, p. 143
- hostile or adverse, when is a, S. 154, pp. 2248-49 (See, *Adverse, Hostile*)
- husband and wife are competent, S. 120, p. 1972
- husband or wife of person under criminal trial, S. 120, p. 1972
- identification by, since deceased, S. 9, p. 210
- impeaching credit of, S. 155, p. 2259 (See, *Credit*), p. 2273
- independent, S. 5, p. 129
- independent, prosecution when entitled to rebut, S. 54, p. 973
- injured, S. 5, p. 139
- injuries and distressed condition as corroboration, S. 134, p. 2138
- insulting observations to, S. 138, p. 2177
- interested, S. 134, p. 2139
- interested party, S. 5, p. 130
- interested party as, S. 5, p. 130
- interpretation of Act based upon English, Preamble, p. 18 (See, *Act*)
- investigating officer as, S. 5, p. 136
- judge, S. 121, p. 1975
- judge's power to interfere in lengthy cross-examination of, S. 138, p. 2187
- judge's power to put any question to, in any form, S. 164, p. 2317, S. 165, p. 2326
- judge as, in case tried by himself, S. 121, p. 1979
- judge's power to put question or order production, S. 165, p. 2318
- lawyer engaged in case ought not to appear as a, in it, S. 118, p. 1966
- leading questions to, S. 142, p. 2199 (See, *Leading Questions*)
- lunatic, S. 118, Expl., p. 1953
- magistrate, S. 121, p. 1975
- mental patient with criminal conviction, evidence unreliable, S. 118, p. 1969
- mode of dealing with lying, S. 138, p. 2189
- mode of dealing with lying, female, S. 138, p. 2190
- mode of dealing with lying, child, S. 138, p. 2190
- mode of dealing with lying, police, S. 138, p. 2191
- mode of dealing with lying, expert, S. 138, p. 2192
- mode of recording evidence of child, S. 118, p. 1964
- not excused from answering criminating question, S. 132, p. 2059
- number of, S. 134, p. 2126
- oath to child, S. 118, p. 1964
- order of examination, S. 138, p. 2155
- order of examination of, in civil cases, S. 135, p. 2141
- order of production and examination of, S. 135, p. 2141
- ordering out of Court, S. 135, p. 2145
- parties in civil suits are competent, S. 120, p. 1972
- parties to civil suit and their wives or husbands, S. 120, p. 1972
- persons competent to be, S. 118, p. 1953
- power of jury or assessor to put questions, S. 166, p. 2332
- privilege of judge and magistrate, when called as, S. 121, pp. 1975, 1978
- procedure in regard to hostile, S. 154, p. 2249
- production of document, S. 162, p. 2309
- production of title deeds of, not a party, S. 130, p. 2052

**Witness Contd.**

- prosecution, questioning of character, S. 54, p. 973
- questions lawful in cross-examination of, for impeaching credit, S. 146, p. 2222
- questions not permissible in cross-examination of, S. 138, p. 2176
- questions permissible in cross-examination of, S. 138, p. 2172
- questions referred to in, S. 148, not to be asked to a, without reasonable grounds, S. 149, p. 2235
- rape cases, S. 5, p. 140
  - old or young age, S. 5, p. 140
  - natural, S. 5, p. 141
  - partisan, S. 5, p. 141
  - bad character of, S. 5, p. 141
  - corroboration, S. 5, p. 142
  - material, non-examination of, S. 5, p. 142
  - status, S. 5, p. 142
  - search, S. 5, p. 142
- re-examination, S. 137, p. 2155
- reference, Preamble, p. 17
- refreshing memory of, S. 159, pp. 2292, 2299 (See, *Refreshing Memory*)
- related, meaning of, S. 5, p. 124
- relationship, S. 5, p. 123
- relevancy of previous deposition of, in subsequent judicial proceeding when dead or cannot be found, S. 33, p. 731
- remedial, Preamble, pp. 17-18
- right of accused to recall and cross-examine, for prosecution, S. 138, p. 2184
- right to cross-examine, called by court, S. 138, p. 2187, S. 165, p. 2327
- right to cross-examine a co-accused's and co-defendant's, S. 138, p. 2182
- rules as to interpretation of, Preamble, p. 12
- skilled, (See, *Expert*)
- stock, S. 5, p. 140
- summoned to produce any document is bound to bring it to court, S. 162, p. 2311
- testify, who may, S. 118, p. 1953
- traps, S. 5, p. 145 ~
- tutoring in child witness, S. 118, p. 1958
- unsworn testimony of child, S. 118, p. 1956
- voluntarily giving answers—not protected, S. 132, p. 2070 (See, *Criminating Questions*)
- witness, of, credibility does not depend on, S. 5, p. 142
- written statement admissible, when, unable to speak having seen crime, S. 118, p. 1968
- Woman**, burden of proof of execution of documents by *pardanashin*, S. 111, p. 1595 (See, *Pardanashin*)
  - examination of, witness, S. 138, p. 2190
  - married, presumption as to abetment of suicide, S. 113-A, p. 1626
  - presumption of childbearing age in, S. 114, p. 1702
- Words**, ambiguities, in, S. 93, p. 1405
  - construction of general, Preamble, p. 16
  - equivocation in, S. 96, pp. 1426, 1428
  - having special meanings, S. 98, p. 1439
  - legal, have technical legal meaning, S. 98, p. 1438
  - meaning of local, technical &c, S. 98, pp. 1434, 1438
  - ordinary, have ordinary meaning, S. 93, pp. 1407, 1417
  - peculiar, in mercantile transactions, S. 98, p. 1438
  - same, in an Act, Preamble, p. 16
  - unmeaning in reference to existing, facts, S. 95, p. 1420
- Workmen's Compensation Act**, burden of proof under, S. 104, p. 1514
- Workmen's compensation cases**, expert's opinion in, S. 45, p. 897

- Writing**, comparison of, S. 73, p. 1164, 1167  
comparison of disputed, S. 73, p. 1179  
court may direct any person to write, S. 73, p. 1170  
cross-examination as to previous statements in, S. 145, p. 2206  
document, is, S. 3, p. 38  
evidence as to matters in, should be given by the production of the document itself, S. 144,  
p. 2205  
meaning of, S. 3, p. 43
- Written Statement**, admission in, S. 17, p. 363  
admission in, by non-traverse, S. 31, p. 619, S. 58, p. 1030  
evidence in writing, when witness unable to speak, but having seen crime, S. 118, p. 1968  
statement of a party to prove, S. 17, p. 363
- Wrongful Admission**, new trial, S. 167, p. 2335 (See, *Improper Admission &c*)
- Zaildar**, confession before, S. 24, p. 459