

Indian evidence act, 1872

Unit 2

State of mind and body

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Person State of Mind

- **Sec.14. Facts showing existence of state of mind, or of body or bodily feeling**
- Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, Ill will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Illustrations

- (a) A is accused of receiving stolen goods knowing them to be stolen, It is proved that he was in possession of a particular stolen article.
- The fact that at the same time, he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles off which he was in possession to be stolen.

Illustrations

- (b) A is accused of **fraudulently delivering to another person** a counterfeit coin which, at the time when he delivered it, he know to be counterfeit.
- The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit is relevant. The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant.

Accidental or Intentional

- Sec. 15. Facts bearing on question whether act was accidental or intentional
- When there is a question whether an act was accidental or intentional, or done with a particular knowledge or intention, the fact that such act formed part of a **series of similar occurrences**, in each of which the person doing the act was concerned, is relevant.

Accidental or Intentional

- (a) A is accused of **burning down** his house in order to obtain money for which it is insured.
- The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

**Moti Lal Roy v. Panch Bihi Industrial Bank Ltd.,
AIR 1946 Cal . 440**

- The accused who was entrusted with **collection of money from the debtors of a bank** ,collected a certain amount from a debtor and did not credit it in the cash book of the bank. To Charge under section 408,IPC,his defence was that there was no misappropriation but owing to **pressure of work** he forgot to credit the amount in the cash book. To prove dishonest intention on his part evidence was led in of another instance of a similar omission by him to credit an amount collected from another debtor.



Thank you