

## Quadrant II - Notes

**Paper Code: LOE0712**

**Module Name: Sec 7: Facts which are occasion etc**

**Module No: 06**

---

Establishing a case in a court is not like a work of a magic wand, it is a painful and slow process. The prosecution needs to build the case brick by brick. In the language of court each brick will be called as relevant fact or fact in issue. The prosecution will present each fact before the Court and before acceptance the prosecution needs to prove the relevancy of fact. Once relevancy is proved, the prosecution needs to prove the existence of fact by producing evidences.

Sec 7 of Indian Evidence Act provides 5 such bricks which could be used in establishing the case before a judge.

### **Sec 7- facts which are the occasion, cause or effect of facts in issue**

Parties needs to prove occasion, cause or effect which created opportunity for the occurrence of the event. So in total 5 facts have been declared relevant under sec 7.

#### **Illustration**

The question pending before the court was whether A robbed B?

Proof provided by the prosecution were as following

B went to ATM before going to a fair (crowded place) (occasion for commission of crime)

While purchasing an item from shop, he removed the purse (occasion for commission of crime)

A had taken the loan, which he was struggling to repay and That day, the financier took his watch and gold bracelet as security (Cause behind the crime)

B's trouser pocket was is torn by using a sharp object (effect of the crime)

In the above illustration it can be seen that all the facts discussed becomes relevant under sec 7.

### **R. v. Richardson**

When Richardson was accused of raping the girl and killing her. The following facts were produced before the court under sec 7

That both parents of deceased girl were working and because of that she used to stay alone in the house whole afternoon.

Richardson left the workplace early quoting some excuse

Both facts were considered as valid under sec 7

### **Ratten v. Reginam**

The issue before the court was whether the killing of wife was an accident?

The prosecution produced evidences showing that husband and wife had frequent quarrels. This established that the state of things between them was strained. This fact does not prove murder, but establishes higher chances of murder as compared to accident. As mentioned above its only addition of one more brick in the edifice of the case.

### **Summary**

As discussed above the five facts which are declared as relevant can be classified into two categories. First one will be mental element, majority of facts that are relevant under sec 7 are mental elements. These do not exist physically but it can be inferred from different facts.

Like occasion and cause are inferred from the fact, if you study the case of R v. Richardson, you will understand how occasion and cause arose in that case. Similarly, opportunity and state of things is another mental element which can be inferred from the facts of the case. Ratten v. Reginam is a good case to establish state of things.

Second classification can be physical element. Effect is the fact that can be classified as physical element under most of the circumstances. However, effect being mental element cannot be ruled out.