is a great similarity between it and the fact in issue. Thus the fact that *A* made a contract of tenancy with *B* on certain terms in respect of certain lands is no evidence of the nature of contract of tenancy made by *A* with *C* in respect of different lands, except perhaps where all the lands are subject to the same custom or tenure.[20] Where in a communal riot, a charge of dacoity is brought against a person, the fact that he had at another occasion sought to force conversion of a member of the other community to his own community, is irrelevant.[1]

Omission in statements. Where the omission to mention certain details in a statement made by a certain witness during investigation did not amount to a contradiction nor did any of them render the existence of the fact omitted to be mentioned highly improbable, the Court should not draw any inference against the witness.[2]

Unregistered documents--admissibility of. Under Art. 24 an unregistered document is admissible in evidence if it is inconsistent with any fact in issue. But where there is no material on the record to show that the document is inconsistent with a fact in issue, the document is not admissible in evidence.[3]

4. Facts making the existence or non-existence of a fact in issue highly probable or improbable. A fact which makes the existence or non-existence of a fact in issue or a relevant fact highly probable or improbable is admissible in evidence. Thus satisfactory proof that clothes found on the body, of the murdered person belonged to him and were worn by him immediately before his disappearance is sufficient to find that the corpse is of that person although it is too decomposed to be identified otherwise.[4] Where the accused are charged under the Pakistan Arms Ordinance with possession of arms for conspiracy to commit a dacoity, the fact that one of the accused was seen showing a revolver to another with whom he was alleged to be conspiring to commit the dacoity is relevant.[5]

Similar transaction--evidence of. Where accused is charged with false representation to procure money on easy terms and cheating, facts disclosing similar transaction at about the same time is admissible to corroborate the story of the prosecution.[6] Similarly the fact that a person belongs to a gang of persons united for habitually cheating inconcert, is relevant if the question is whether a man is a habitual cheat or not.[7]

'Alibi' plea of. Evidence of *alibi* is admissible under this Article as it postulates physical impossibility of the presence of accused at scene of offence by reason of his presence at another place. The plea can succeed only if it was shown that accused was so far away at the relevant time that he could not be present at the place where

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20. AIR 1914 Cal. 292 (DB).
1. AIR 1925 Cal. 831 (DB).
2. 1955 All L.J. 380 (DB).
3. PLD 1966 Pesh. 85.
4. 11 Cr.L.J. 604=1910 Pun Re (Cr) No. 24 (DB).
5. AIR 1932 Cal. 474=59 Cal. 1361=33 Cr.L.J. 854 (DB).
6. AIR 1917 All. 251=39 All. 273=18 Cr.L.J. 529 (DB).
7. 11 Cr.L.J. 23=37 Cal. 91 (DB).

crime was committed.[8] Onus of proving affirmatively plea of *alibi* does not lie upon accused to the extent and in the sense it lies on prosecution to prove guilt of the accused. Accused in order to succeed need only produce evidence sufficient to raise in court's mind a reasonable possibility of likelihood of his being at the place where he asserts to have been rather than at the place of crime at the time of occurrence.[9]

Conversion to other religion. Where a person's conversion to Christianity was not merely a fact in issue but also principal fact in issue, any fact making fact of conversion highly probable or improbable was admissible in evidence, a certificate to that effect given by a church official falls under Art. 24 and is therefore substantive evidence and is admissible in evidence.[10]

Report to police. Where lessees set up forcible re-entry by their lessor the fact that report was made to the police soon after the occurrence, is relevant.[11]

Seditious character of newspaper--proof of. Proof of seditious articles appearing in the same newspaper is admissible to show the seditious character of the newspapers.[12]

Dealings with partner of firm--whether binding on firm. Where a plaintiff sues a firm on foot of a transaction made by one member of the firm, it is for the plaintiff to show that either by the course of dealings between him and the defendants or by some overt act of the defendant firm, that member was acting as their authorized agent in those transactions in such a manner as to bind the firm.[13]

Migrating family, customs of. Where the question is whether a migrating family has adopted the law of the new place, the fact that in the allied or connected families, the new law has very widely been adopted and the rites and ceremonies of the new place have been generally recognised is relevant.[14]

Existence of tenancy, evidence of. An *ex parte* decree for rent obtained by a landlord against the heirs of a tenant and satisfied by the latter are evidence of the existence of the tenancy on the date of that decree.[15]

Admission by co-defendant. An admission of one of the defendants is relevant against the other defendants.[16]

Eye-witness not named by other eye-witnesses. Where a person in his statement alleges that he was an eye-witness, the fact that the person's name does not find place in the statements made by other eye-witnesses to the occurrence, is a relevant fact

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8. 1982 PSC 1052 (SC Ind).
9. PLD 1982 SC 429=PLJ 1982 SC 592+PLD 1976 SC 629=PLJ 1976 SC 283.
10. PLD 1981 SC 56=PLJ 1981 SC 100=NLR 1981 AC 163.
11. AIR 1915 Oudh 218 (DB).
12. 9 Cr. L.J. 506=32 Mad. 338 (DB).
13. AIR 1928 Lah. 105 (DB).
14. AIR 1923 Cal. 485=50 Cal 370 (DB).
15. AIR 1923 Cal. 270 (DB).
16. 16 Bom. 125.

and can be considered under Art. 24 (2) rendering it highly improbable that he was an eye-witness.[17]

Omission of fact. An omission to ask a question or to state a fact may or may not be admitted as evidence depending on the facts of each case. Thus an omission by the complainant to state the names of his assailants is not a relevant fact under Art.24.[18] But where the omission is so highly significant as to make the existence of a fact of issue highly probable or improbable, it will be admissible. It follows that where the question is of paternity of an illegitimate son and the alleged putative father was cross-examined in previous litigation as to his partiality to the boy's mother but no question as to the son being born was asked. The omission makes the illegitimate sonship being well-known and is admissible.[19]

Ineffectual or delayed opposition to right. Ineffectual opposition to the exercise of what is claimed to be a right is evidence rather in support of the right than of its non-existence.[20] Similarly the fact that sale by the father remained unchallenged until it was challenged after 19 years renders the quantum of proof required for establishing the necessity for the sale very light.[1]

5. "Highly probable or improbable." The words 'highly probable' are of great importance and the facts sought to be proved must be so closely connected with the fact in issue or the relevant fact that a Court will not be in a position to determine it without taking them into consideration.[2] It means that the section makes only those facts admissible which are of great weight in bringing the Court to the conclusion one way or the other regarding facts in question.[3] Moreover the connection between the facts in issue and the collateral facts sought to be proved must be immediate as to render the co-existence of the two highly probable. Where that is not the case this Article does not apply.[4] Thus where the question before the Court was whether a particular sale transaction was genuine or sham, the fact that it is not likely that the transferee had money or the fact that the executant of the document was not in need of money are irrelevant under the Qanun-e-Shahadat, Art.24 has no application because it requires high degree of probability or improbability.[5]

Different transactions. The words 'highly probable' mean more than the normal standard of probability. Neither by canons of common sense nor by construction of the Order can it be said one particular instance of bad faith and mala fides in a transaction can render the issue of bad faith and mala fides in a totally different transaction highly probable.[6] Where the fact to be proved was that a fire in a soap

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17. 1955 All L.J. 380 (DB).
18. 1955 All L.J. 380 (DB).
19. AIR 1921 Oudh 242 (DB).
20. AIR 1931 PC 128.
1. AIR 1955 NUC (Punj) 2164.
2. AIR 1954 Pat. 556=33 Pat. 861 (DB).
3. 13 Mad. L Tim 282 (DB).
4. AIR 1960 Bom. 78+AIR 1933 All. 690 (DB).
5. AIR 1964 Guj. 174.
6. AIR 1957 Cal. 709 (DB).

factory was intentional and evidence of a fire at a mill earlier on was sought to be produced because the accused concerned in both the act was the principal share-holder in both the companies. It was held, that the evidentiary fact was inadmissible under Art. 24 as it did not make the fact in issue probable.[7]

When the offence charged is that of belonging to a gang of thieves a former judgment more than 25 years old and convicting the accused of dacoity is admissible in evidence only for the purpose of proving that the accused is a person of criminal tendencies to commit theft.[8]

6. Article 46 and this Article. This Article does not control Art. 46. The two Articles cover different fields and there is no question of any over-lapping if properly construed. In brief Art. 24 deals with "facts" while Art. 46 deals with "statements".[9] Art. 24 is subject to Art. 46 only where the evidence consists of the statements of persons who are dead or cannot be found.[10] Thus a statement not satisfying the conditions laid down in Art.46, cannot be admitted merely on the ground that if admitted, it may probabilize or improbabilize a fact in issue or a relevant fact.[11] Similarly statement of a person regarding ownership of property alleged to be stolen as to what the deceased had said to him is inadmissible under Art.46 and therefore also under Art. 24.[12]

Statement not relevant under Article 46. The rules as to this section being subject to Art.46 is subject to certain exceptions. Thus the test whether the statement of a person who is dead or cannot be found is relevant under that Article (presuming that it is in other respects within the intention of the Article), although it would not be admissible under Art.46 is this: It is admissible under Art. 24, when it is altogether immaterial whether what the dead man said was true or false, but highly material that he did say it. In those circumstances no amount of cross-examination could alter the fact, if it be a fact, that he did say the thing, and if nothing more is needed to bring the thing said under Art. 24, then the case is outside Art. 46.[13] Thus a statement in a petition for grant of probate as to the date of the death of the deceased made shortly after the death, by a person in a position to know the fact, is admissible in evidence to prove such date when made in circumstances free from suspicion if not under Art. 46 then under Art. 24.[14]

Statement relevant under Article 46. Article 24 makes admissible the existence of facts and not statements as to such existence, unless the fact of making that statement is in itself a matter in issue.[15] Therefore there is no justification for the

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7. AIR 1941 Rang. 324=1941 Rang LR 566=43 Cr.L.J. 373 (DB).
8. AIR 1925 Bom. 195=26 Cr.L.J. 1391 (DB).
9. AIR 1962 Mys. 53 (DB).
10. AIR 1960 All. 339 (DB).
11. AIR 1940 Mad. 273 (DB)+AIR 1935 Oudh 41 (DB)+AIR 1929 Oudh 113 (DB)+34 All. 341 (DB).
12. AIR 1916 Mad. 1103=16 Cr.L.J. 640 (DB).
13. AIR 1960 All. 339 (DB)+AIR 1923 Cal. 893 (DB).
14. AIR 1931 Pat. 224 (DB).
15. AIR 1960 All. 339 (DB).

view that it will become otiose if "statement" falling under Art. 46 are excluded from its scope.[16]

7. **Previous judgment.** Judgments after all, of whatever authority, are nothing but opinions as to the existence or non-existence of certain facts. These opinions cannot be regarded to be such facts as would fall within the meaning of Art. 24 unless existence of these opinions is a fact in issue or a relevant fact.[17] No doubt every judgment in a sense renders the issue decided by it highly probable or improbable. But that sense cannot be adopted to decide is relevancy in a later suit for that would make no judgment whose subject-matter is one which is relevant to the matter in issue, irrelevant.[18]

Judgment 'inter partes'. Where a judgment is given in a suit between the same parties it may be admitted in evidence in similar subsequent proceedings to show that it made a certain fact in issue highly probable or improbable. Thus the judgment in a civil suit between a client and his pleader is relevant under this Article in subsequent proceedings against the latter for misconduct where the subject-matter of the enquiry under both the proceedings is the same.[19] But where in a civil suit though the parties were the same but the amounts involved were different, the judgment would not be binding in subsequent proceedings.[20]

Judgments not 'inter partes'. The general rule with regard to relevancy of judgments is that a person is not affected by a judgment passed in litigation to which he was not a party. *Res inter alias judicata nullum inter alias pre-judicium facts* (A matter adjudicated upon between one set of persons does not in any way prejudice any other set of persons). To this general rule, judgments in *rem* which are subject-matter of Art. 55 form the first and the judgments relating to matters of public nature with which Art. 56 deals, the second exception.[1] Judgments not *inter partes,* if not admissible under Arts. 54 to 56 may be admissible under other Articles, read with Art. 57 under certain circumstances and for certain limited purposes.[2] But not for discussing basis of its decision.[3] Where a mortgage in dispute by the wife who was shown to be an ostensible owner of the property in the mortgage bond had already come into existence before the institution of the suit by the husband against the wife for a declaration that he and not the wife, was the real owner of the property mortgaged, the judgment obtained by the husband negativing the apparent ownership of the wife and holding that he was the real owner may be a relevant fact under Art.24 in the decree obtained by the mortgagee against the wife.[4]

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16. AIR 1962 Mys. 53 (DB).
17. PLD 1960 Lah. 1202+AIR 1945 Lah. 23 (FB)+6 Cal. 171 (FB).
18. AIR 1950 Bom. 101=ILR 1949 Bom. 537=51 Cr.L.J. 558.
19. AIR 1914 Mad. 512=13 Cr.L.J. 800 (FB).
20. 1983 P.Cr.L.J. 1078.
1. 1984 CLC 3419.
2. AIR 1931 Lah. 364+36 Ind App 200 (PC)+AIR 1954 SC 606+AIR 1954 SC 481+25 Cal. 522 (FB).
3. AIR 1934 Cal. 788.
4. AIR 1958 AP 722 (DB).

Criminal cases. In criminal cases an earlier judgment, on a subsidiary fact in issue, would not be conclusive so far as subsequent trial was concerned. All that such judgment would show was existence of a finding that particular fact, but would not show that finding was necessarily correct. Existence of a judgment may be relevant, but truth of it, by which is understood, decision of Judge and opinion expressed by him, was not relevant.[5]

Judgment as to credibility of witnesses. Where a judgment of the Sessions Judge was produced to show that he had not believed the same witnesses in a connected case and should, therefore, not have believed them in the case under consideration. It was held that those judgments are nothing but opinions as to the credibility of the witnesses in respect of that matter. Those opinions cannot be regarded to be such facts as would fall within the ambit of Art. 24. Consequently those judgments cannot be used to prove the conclusions arrived at by the Sessions Judge on the particular evidence before him in those cases.[6]

8. Previous proceedings. Evidence of previous proceedings in a connected matter is relevant only if it makes the existence of a fact in issue or a relevant fact highly probable or improbable. It is necessary that there should be an immediate connection between the two proceedings. Thus previous proceedings of High Court under section 99-B, Criminal P.C. regarding prescribing of a book is relevant in the trial of its author under section 153, Penal Code.[7]

Previous proceedings by party in different capacity. Where the previous proceedings by a party were in a different capacity than the one in which he seeks to give evidence regarding them, the proceedings are not relevant. Thus in a suit in which an *ekrarnama* was put in to defeat the plaintiff's rights, previous proceedings in a criminal Court by the plaintiff for assault on refusal to sign the *ekrarnama* as a witness are not relevant.[8]

Previous admissions by party in his own favour. A sketch map filed with a plaint in a previous suit instituted by the plaintiff's predecessor *M* is not an admission in favour of *M*. Even if it is, it can be proved by the plaintiff otherwise than as an admission therefore the map is relevant under Art. 24 otherwise than as an admission.[9]

9. Recitals in documents. A recital in a deed or other instrument is in some cases conclusive, and in all cases evidence as against the parties who make it.[10] Thus where recitals in deeds in respect of properties by the owners thereof state that the lane on which their houses abut is a private street, recitals are relevant.[11] A sketch prepared by one of the parties at a time when Government proposed to acquire those

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5. 1985 SCMR 181=PLJ 1985 SC 36=1985 FSC 247.
6. PLD 1960 Lah. 1202.
7. AIR 1927 All. 654+50 All. 157=28 Cr.L.J. 785.
8. AIR 1916 PC 256=34 Ind App 75=43 Cal. 707.
9. AIR 1947 Oudh 98=22 Luck 270.
10. AIR 1924 Cal. 1067 (DB).
11. AIR 1937 Lah. 120.

lands before there was any controversy, is strong cogent evidence to prove ownership.[12]

Recitals are not evidence against third parties. A recital in a deed is evidence against parties to the deed but it is no more evidence as against third persons than any other statement would be.[13] Recital in a deed of transfer by husband to his wife respecting dower is no evidence against third parties.[14] Similarly a document between strangers to the suit in which mention is made of one of the parties to the suit or their predecessors as holding the land lying on the boundaries of the lands belonging to the executants of the document is not admissible in evidence.[15] But in some special cases documents not *inter partes* containing recitals as to the fact in issue are admissible.[16] Thus a document becomes admissible where the parties to the document are sued by a stranger and he relies on the recitals made by them in the document to prove his case. Thus where the plaintiff pre-emptor entered the witness box and stated that he was the owner of the house contiguous to the house sold. He did not produce any title deed in support of this assertion, but besides his own statement, he depended in support of this assertion, on a recital made in the sale-deed by which the house under pre-emption was sold to the vendee, in which the plaintiff was stated to be owner of the house contiguous to the pre-empted house on the South and West. In rebuttal no evidence was produced to show that this recital in the sale-deed was incorrect or that the plaintiff's own evidence on this point was false. It was held that there was unrebutted evidence in support of the assertion that the plaintiff pre-emptor is the owner of the house contiguous to the house sold.[17] Similarly where the question in issue was whether *B* had predeceased *K*, a statement made by a party in his own favour in an objection petition filed in previous land registration proceedings that *B* had predeceased *K* was held admissible in evidence under Art. 24.[18]

Recital not having direct bearing on fact in issue. Where the recital in a document does not have a direct bearing on the fact in issue so as to weigh heavily in deciding the issue, it is not admissible in evidence. Thus a statement in an order for delivery of possession as to the rent payable in respect of the land is inadmissible in evidence in a suit between the landlord and the tenant in which the rent payable is in dispute.[19] Similarly where the question is as to the terms of grant made by *A* to *B*, whether it may be subject to condition or not, evidence of other grants by *A* to other persons with conditions is inadmissible. Evidence if admissible its weight is small.[20]

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12. AIR 1919 Mad. 664 (DB).
13. AIR 1969 Mys. 53 (DB)+AIR 1924 Cal. 1067 (DB).
14. 37 Pun LR 777.
15. AIR 1927 Lah. 448 (DB)+AIR 1929 Lah. 78+AIR 1928 Lah. 428.
16. AIR 1918 Lah. 388 (DB).
17. PLD 1961 Pesh. 92=PLR 1962 (2) WP 833 (DB).
18. AIR 1955 Pat. 292 (DB).
19. AIR 1926 Cal. 415 (DB).
20. AIR 1914 Cal. 4 (FB).

Religion of person. Where the religion of a deceased person is in question declarations of the deceased in solemn form or informal document, *e.g.*, will, are admissible.[1]

Recitals in hospital register. Entry in register of indoor patients in a hospital is admissible to prove that the person mentioned in the entry was in hospital on a certain date.[2]

Maps. A sketch map filed with the plaint in a previous suit by the plaintiff's predecessor against the defendant is relevant under Art. 24 otherwise than as an admission, in a subsequent suit by the plaintiff against the defendant as the non-existence of certain constructions in the maps makes it highly improbable that those constructions were in existence for the last 45 years as alleged by the defendant.[3] It must however be noted that mere proof of the map by itself is only proof of the fact that the map was prepared by the maker thereof. It is no proof of its contents. The proof of the map cannot make it admissible in evidence as to the correctness of its contents without calling the maker thereof.[4]

Self-condemnatory letter written by accused. A self-condemnatory letter by an accused person is prima facie evidence against him and is admissible ; it is not necessary that letter should have been signed by the accused and it is enough if it can be traced to the writer.[5]

10. Recitals in document executed by living person. Though a document has been admitted as an evidence of a transaction, recitals therein are not admissible in evidence if they are mere assertions by a person alive, who can be brought before the Court.[6] Thus a recital in a rent receipt by a landlord describing the plaintiff as a daughter of the deceased tenant is not admissible in evidence, when the landlord is alive and is not examined as a witness without sufficient cause.[7]

11. Absence of entry in document. The facts of absence of entry in account books is relevant and admissible under Art. 24; its effect is to be determined in the light of general evidence in the case.[8] In case of writs of attachment by the Collector an omission of an entry is not relevant where the question is whether or not a particular tenancy existed.[9]

12. 'Alibi.' Where an alleged offence has been committed, and the prosecution accuses a person of having committed the same, it would be a complete answer to the accusation for that person to plead that he was at that time elsewhere. (This has, of course, no reference to offences in which time and place are not material factors).

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1. AIR 1930 Rang. 42=7 Rang. 720 (DB).
2. AIR 1918 Lah. 192=19 Cr.L.J. 141.
3. AIR 1947 Oudh 98=22 Luck 270.
4. AIR 1945 Cal. 492=ILR (1946) 1 Cal. 149 (DB).
5. AIR 1914 Cal. 649=15 Cr.L.J. 35=41 Cal. 545 (DB).
6. AIR 1923 Cal. 290 (DB)+AIR 1927 Cal. 230 (DB)+AIR 1919 Cal. 378 (DB).
7. AIR 1963 Pat. 450.
8. AIR 1923 Cal. 261 (DB)+AIR 1924 Nag. 22+AIR 1955 NUC (Punj) 4021.
9. AIR 1923 Cal. 261 (DB).

And if that person succeeds in establishing that plea technically called the plea of *alibi*, he will be entitled to acquittal.[10] Plea of *alibi* should be taken at the earliest and must be supported by strong evidence.[11] This is so because *alibi* evidence is generally viewed with suspicion as it has unfortunately become usual for friends and relatives of the accused to come forward with false statements tending to prove an *alibi*.[12]

The burden of proving a plea of *alibi* is on the accused.[13] Therefore witnesses to establish anything in the nature of an *alibi* ought to be called by the accused person who takes that line of defence.[14] The standard of proof required for establishing the plea of *alibi* is the same as for the evidence on behalf of the prosecution.[15] Therefore before giving a finding on the plea of *alibi* not only the defence evidence in support of the plea but also prosecution evidence in support of the accusation should be examined.[16]

A plea of *alibi* cannot be accepted when there is satisfactory evidence that accused committed the crime at a certain place and time.[17] Where in a case under section 302, P.P.C., there is strong evidence against the accused, there is motive for the offence and blood-stained garments and knife are recovered from him, *alibi* evidence cannot be of much value.[18] But where *alibi* evidence is better than prosecution evidence and a doubt as regards the guilt of the accused is created, the accused is entitled to acquittal.[19] Where the case for the prosecution depends entirely on the identification of the accused in somewhat doubtful circumstances, the evidence of *alibi* cannot be lightly brushed aside.[20]

Plea must be raised at earliest possible time. Defence of *alibi*, if true, ought to be raised at the earliest possible moment.[1] Where though the accused failed to establish his plea of *alibi*, yet he had put it forward at an early stage of the investigation and from the evidence his presence at the affray appeared somewhat doubtful. It was held that he was entitled to benefit of the doubt.[2]

'Alibi' not proved--effect. The weakness or falsity of an *alibi* is not a sufficient ground for holding that the case for the prosecution was thereby improved.[3] It would

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10. AIR 1958 All. 746=1958 Cr.L.J. 1266 (DB).
11. 1987 P.Cr.L.J. 1373.
12. AIR 1935 Lah. 230=35 Cr.L.J. 1180 (DB).
13. PLD 1964 Pesh. 288 (DB)+PLD 1957 Dacca 503+AIR 1935 All. 746 (DB).
14. AIR 1935 Cal. 513=62 Cal. 238=36 Cr.L.J. 1115 (SB).
15. AIR 1956 Hyd. 99=ILR 1965 Hyd. 205=1956 Cr.L.J. 887 (DB).
16. AIR 1958 All. 746=1958 Cr.L.J. 1266 (DB).
17. AIR 1923 Oudh 369=34 Cr.L.J. 1146.
18. 37 Cr.L.J. 932 (DB) (Oudh).
19. AIR 1933 Rang. 423=32 Cr.L.J. 434 (DB).
20. AIR 1937 Rang. 267+AIR 1937 Rang. 10 (DB).
1. 1987 P.Cr.L.J. 1373+AIR 1936 Lah. 233 (DB)+ILR 1954 Hyd. 374 (DB).
2. AIR 1936 Lah. 473=37 Cr.L.J. 748.
3. AIR 1937 Rang. 10=38 Cr.L.J. 279 (DB).

not and cannot give rise to an inference that the accused was at the place of occurrence at the time when the offence is said to have been committed.[4]

'Alibi' of co-accused. Where the case for the prosecution is that both master and servant committed the offence and that the servant did what the master directed, it is not possible to convict the servant if the master's plea of *alibi* is accepted.[5]

Concurrent finding of lower Courts as to 'alibi.' The plea of *alibi* involves a question of fact and when both the Courts below concurrently found that fact against the accused it will not be interfered with by the Supreme Court on an appeal by special leave.[6]

13. Evidence of act and conduct. Conduct and act of parties subsequent to a transaction are evidence of its having taken place. Thus the conduct of the parties subsequent to the date of an alleged partition is evidence for or against its having taken place.[7]

Evidence of previous offence. Evidence of previous offences committed a long time ago is not evidence to prove commission of those offences. Thus where at a trial for offences under section 302, 120-B and 380, Penal Code, the Judge admitted evidence of a theft committed some two years subsequently in somewhat similar circumstances, as showing identity, design and motive and illegal association, and that a system had been pursued by the accused. It was held that having regard to the dates of the incidents alleged in the subsequent case the evidence was not admissible.[8]

25. *In suits for damages facts tending to enable Court to determine amount are relevant.* In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded, is relevant.

Evidence Act, 1872. This Article is exact reproduction of section 12 of Evidence Act.

Synopsis

1. Scope.
2. Defamation.
3. Price of goods lost or not delivered.
4. Wrongful conversion.
5. Adultery.
6. Statement "without prejudice".

1. Scope. Any fact which enables the Court to determine the amount of damages, which ought to be awarded is relevant under the provisions of Art. 25 of Qanun-e-Shahadat, 1984. It is necessary for the plaintiff under the provisions of

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4. AIR 1956 Hyd. 99 (DB). (*But see*: AIR 1944 Cal. 719 (SB).
5. 1937 Mad WN 96.
6. AIR 1954 SC 30=1954 Cr.L.J. 261.
7. 30 Cal. 231 (PC).
8. AIR 1920 Cal. 500=21 Cr.L.J. 849 (FB).