Page VII Foreword Preface to Second Edition IX Table of Contents — Volume I XI Summary of Contents — Volume II XXIII Table of Abbreviations XXXIII Table of Cases — Sri Lanka XLVII - United Kingdom LXXXV - India CLXXX — Other Jurisdictions CCXXXII PART 1: THE INTRODUCTORY PART 1 CHAPTER 1: THE FUNCTION AND SCOPE OF EVIDENCE 3 Section A: The Function of the Law of Evidence in the Legal System 3 8 Section B: What is Evidence? Section C: History and Development of the Law of Evidence 10 10 1C.1: The English Law 12 1C.2: The Indian Law 1C.3: The Sri Lankan Law 14. CHAPTER 2: CLASSIFICATION OF EVIDENCE 16 Section A: Direct Evidence and Circumstantial Evidence (including Real 17 Evidence) 17 2A.1: Direct Evidence 17 2A.2: Circumstantial Evidence 2A.3: Receivable both in Civil and Criminal cases 18 2A.4 : Same evidence may be both 18 18 2A.5: Purposes of Circumstantial Evidence 18 2A.6: Value and advantages and demerits of Circumstantial Evidence 19 2A.7: Compromise necessary 2A.8: Where only Circumstantial Evidence possible 20 2A.9: Prosecution must eliminate other possible offenders 20 2A.10: Suspicious circumstances cannot establish guilt 20 2A.11: Scientific Aids in Circumstantial Evidence 21 2A.12: Examples of Circumstantial Evidence 22 The Judicial Evaluation of Circumstantial Evidence 22 Section B: English decisions are followed in India and Sri Lanka 22 2B.1: 22 2B.2: Analogy 2B.3: Based on logical rules in Criminal Trials 22 23 2B.4: R. vs. Hodges 2B.5: Rules for Evaluation of Circumstantial Evidence 23 Real Evidence as Circumstantial Evidence and Corpus Delicti 27 Section C: 27 2C.1: The term real evidence 2C.2: Corpus Delicti and Circumstantial Evidence 28 Defects of the Rule 29 2C.3: 29 The present view 2C.4: The position under the Indian Act 31 2C.5: Sri Lankan Law 32 2C.6: Original Evidence (Testimonial) and Derivative Evidence Section D:

34

(including Hearsay Evidence)

2D.1	:	Original Evidence vs. Hearsay Evidence	34
2D.2			34
2D.3	;	The Distinction is based on purpose of use	34
Section E	:	the state of the s	
		Evidence — Primary and Secondary Evidence	35
2E.1		AND THE PROPERTY AND TH	35
		Oral statement distinguished from Verbal Statement	35
		Section 59 of the Evidence Ordinance	36
		The primacy of Oral evidence	36 37
		"Document" defined	37
		Sub-classifications of Documentary evidence Modification for public documents	38
21.7	•	Wodification for public documents	
CHAPTER 3	:	BASIC PRINCIPLES AND BASIC CONCEPTS AND MAIN ITEMS OF JUDICIAL EVIDENCE	39
Section A	:	Introduction	40
3A.1	:	Three Basic Principles	40
Section B	:	The Best Evidence Rule	41
3B.1	:	The early Rule stated	41
3B.2	:	Application of the Best Evidence Rule	41
3B.3	:	Present status of the Rule	42
		Primary evidence of Documents – "the remains of the Rule"	43
		No degrees of Secondary Evidence	43
		The position in Sri Lanka	44
3B.7	:	Surviving recognitions of the Best Evidence Rule	44
		Hearsay is Inadmissible	46
3C.1		The Rule	46
3C.2	:	Hearsay may be original evidence also	46
		Grounds for excluding hearsay evidence The Ordinance assumes the Rule	47
			48
3C.6	•	Hearsay or not hearsay? Subramaniam vs. Public Prosecutor Application of the Rule	49
3C.7	:	Exceptions to the Hearsay Rule	50 51
3C.8	:	Hearsay in Criminal cases	51 51
		The problem of reliable hearsay	53
3C.10	:	The Civil Evidence Act, 1968	53
Section D))
		to prove Facts which are so connected to a fact in issue as to be	
		Relevant to the case	56
3D.1	:	Section 5 recognises this Principle	56
3D.2	:	The Rule explained	57
, ,		Facts in Issue	57
		Relevant Facts	58
Section E		Basic Concepts and Main Items of Judicial Evidence	61
3E.1		Matters before the court	61
		Facts in Issue	61
3E.3	:	Receivability, Materiality, Relevance and Admissibility	63
3E.4	:	Relevance, Admissibility and Weight: Relevance and Admissibility	64
3E.5	•	Relevance, Admissibility and Weight: Admissibility and Weight	66
3E.7	•	Testimony as Evidence Hearsay as Evidence	66
3E.8		Documents as Evidence	67
3E.9		Things as Evidence	68
52.7	•		68

TABLE OF CON	ITENTS – VOLUME I	XIII
3E.10	: Cogency of Evidence	69
3E.11	: Judicial discretion	71
3E.12	: Credibility	72
CHAPTER 4	: THE EVIDENCE ORDINANCE (CAP.14 — Now CAP.21) — GENERAL OBSERVATIONS	73
Section A	•	74
Section B	Applicability and Interpretation	75
	: The Sections	75
4B.2	: The requirements of the Sections	75
4B.3	: Courts-Martial	76
4B.4	: Effect of the Ordinance on other statutes	77
Section C	: The Indian Act compared with the Evidence Ordinance of Sri Lanka	78
4C.1		78
4C.1 4C.2		78
		83
4D.1	 : Applicability of the English Law of Evidence : Cardinal Difference between the Sri Lankan and Indian Statutes 	83
	: Section 100	83
4D.3		84
4D.4		86
4D.5		86
CHAPTER 5	: EVIDENCE IN CRIMINAL CASES COMPARED WITH EVIDENCE IN CIVIL CASES	95
Section A		96
	: Are Rules the same?	96
	: Differences inevitable	96
	: The Differences	97
	: The Ordinance	97
5B.2	: Quantum of Evidence or Standard of proof and the extreme	97
5D 2	strictness of proof	101
5B.3	•	102
5B.4	: Estoppel: Hearsay in Civil and Criminal cases	102
5B.6		102
5B.7		104
	: Competency of Witnesses	104
	: Objections to Evidence	105
	: Relaxation of Rules	106
5B.11	: Circumstantial Evidence	106
5B.12	: Miscellaneous points of Difference between Civil and Criminal	106
	cases	106
Section C		108
5C.1		108
5C.2	~	108
	: Provisions relating to Evidence in the Procedure Codes	108
5D.1		108
5D.2	: Code of Criminal Procedure Act No.15 of 1979 (Cap.26)	110
CHAPTER 6	: PROOF AND EVIDENCE	115
Section A	: Proof distinguished from evidence	115
6A.1	: Proof vs. Evidence	115

	Factors affecting proof	116
6A.3:	Personal knowledge of Judge	116
6A.4 :	Distinction between Scientific Proof and Legal Proof	117
Section B:	"Proved", "Disproved", "Not proved"	117
6B.1:	Section 3 of Ordinance	117
	Matters inducing proof	118
	Test or measure of proof	118
6B.4 :	How definitions in Section 3 have been applied in Sri Lanka	119
PART II:	FACTS IN ISSUE AND RELEVANT FACTS Introduction	121 123
CHAPTER 7:	WHAT FACTS NEED NOT BE PROVED BY EVIDENCE	125
	Formal Admissions	125
7A.1 :	Section 58 of the Evidence Ordinance	125
	Principle underlying Section 58	126
	The Proviso to Section 58	126
	Formal and Informal Admissions	126
	How Formal Admissions are made and their Effect	127
	Admissions as to Jurisdiction	131
	Admissions in Criminal cases	132
	Facts of which the courts take Judicial Notice	135
	The Rule governing Judicial Notice	135
7B.2:	an manager state and a series of the series	136
	Foundations of Judicial Notice	136
	Effects of Judicial Notice Facts outhorized by Section 57 of the Ordinance	137
	Facts authorised by Section 57 of the Ordinance Section 57 is not exhaustive — Therefore English Law is applicable	137 145
	Can a Judge use his personal knowledge?	146
7B.8 :	The Application of English Law to other matters	148
7B.9 :	Assisting the Memory of the Judge to take Judicial Notice	151
CHAPTER 8:	WHAT FACTS CANNOT BE PROVED	153
Section A:	Irrelevant Facts	154
	Our Law vs. English Law	154
	Hearsay	154
	Things said in absence of a Party	155
8A.4 :		155
	Opinions of Witnesses	156
	Character of either Party	157
8A.7 :	Prejudicial and remote facts and facts of trifling weight	158
Section B:	Statements made without prejudice	158
8B.1 :	The Rule regarding Statements without Prejudice	158
8B.2 :	The Principle underlying the Rule	158
	Limitations to the Rule	159
8B.4 :		161
8B.5 :	, but a series of the series o	
	marriage guidance cases	162
Section C:	Estoppel from Asserting Facts	163
8C.1 :	Estoppel explained and Principle underlying Estoppel	163
8C.2 :	Different Forms of Estoppel considered	166
	(1) Estoppel by Matter of Record	166
	(2) Estoppel by Deed	166

	(3) Estoppel in Pais	167
	(4) Doctrine of Promissory Estoppel	167
	(5) Is Estoppel a sword, and not merely a shield?	171
	(6) Estoppel by Acquiescence or Encouragement	174
	(7) Estoppel by Election	175
	(8) Estoppel by Negligence?	176
	(9) Estoppel in face of Statutes	178
8C.3:	Estoppel distinguished from certain other Concepts	181
	(1) Estoppel distinguished from Presumptions	181
	(2) Estoppel proper distinguished from Res judicata	182
8C.4 :	Estoppel by Conduct or Representation in Sri Lanka	
00.1	(1) Section 115 of the Evidence Ordinance	182
9		182
	(2) The Principle underlying and the Source of Section 115	183
	(3) Essential Elements for Estoppel by Representation or Conduct	184
	(4) First Element: The Representation	184
	(5) Second Element: Intentionally that it should be acted upon	189
	(6) Third Element: Discrepancies between the two Representations	190
	(7) Fourth Element: Effect – to produce belief	190
	(8) Fifth Element: Effect – Action to detriment	191
	(9) Sixth Element: Same parties or privies	192
	(10) Pleading Estoppel	193
	Estoppels in Contractual and other Relationships	193
	(1) Tenants and Lessees	193
	(2) Licensees of Immovables	196
	(3) Bailees, Agents and Licensees of Goods	197
	(4) Partners	197
	(5) Bankers and Customers	198
	(6) Bills of Exchange	199
	(7) Sale of Goods	200
8C.6 : 3	Some Miscellaneous Instances of Estoppel	200
((1) Situations involving Condictio Indebiti	200
	(2) Planning Authority	200
(3) Person claiming to be Executor	200
ST-MINISTER WOOD - MAKE THE PROPERTY OF	*	
	RELEVANT FACTS I: ACTS AND EVENTS	201
I	Introduction — Classification of Relevant Facts	203
Section A: 1	Res Gestae — Facts forming part of the same Transaction — Section 6	204
	Res Gestae defined and explained	204
	Section 6 of the Ordinance	206
	Principle underlying Section 6	206
	Test of Relevancy under Section 6	206
	What is a Transaction?	207
224 725 170 170 170 170 170 170 170 170 170 170	Examples of Res Gestae	209
	1) Contemporaneous and Spontaneous Statements accompanying Acts	209
	2) Acts occurring at different places or at different times	213
(2	3) Statements of bystanders as part of res gestae	
(4	1) Statements which prove state of mind	214
(5	5) Statements which prove physical sensations	214
(6	i) Opinion as part of Res Gestae	215
9A.7 : H	learsay is admissible as Res Gestae	215
6711	it original evidence?	015
	es Gestae compared with Res Inter Alios Actae	215
9A.9 : R	es Gestae and Hearsay in Criminal Law Revision Committee's	216
. Pr	roposed Bill on Evidence	015
	-Laram -w AM TAINCHIC	217

Section B: 9B.1:	Occasion, Cause, Effect and Opportunity — Section 7 Section 7	217 217
9B.2 :	The Principle Underlying Section 7	218
9B.3 :	Occasion or Cause of relevant facts or facts in issue	218
9B.4 :	Effect of relevant facts or facts in issue	219
9B.5 :	State of things under which relevant facts or facts in issue happened	219
9B.6 :	Opportunity for the occurrence of relevant facts or facts in issue	220
Section C:	Motive, Preparation, Previous and Subsequent Conduct — Section 8	223
9C.1 :	Section 8	223
9C.2 :	Motive	223
,0.2 ,	(1) Motive defined	223
	(2) Motive is not essential even in criminal cases	223
	(3) But motive, if proved, is very relevant in criminal cases	224
	(4) Examples of Motive	225
	(5) Motive must support other Evidence	227
	(6) Absence of Motive is relevant	227
	(7) Adequacy of Motive	228
	(8) Proof of Motive	228
	(9) Motive to implicate	229
9C.3:		229
	(1) Relevancy of Preparation	229
	(2) How shown	229
	(3) Examples of Preparation	230
9C.4 :	the same particular representative on macroscopic Section 1971 and 107 course	230
	(1) Relevancy of Conduct of party or his agent	230
	(2) Relevancy of Conduct of person against whom offence was	231
	committed (3) Scope of Subsequent Conduct	232
	(4) Explanation 1 to Section 8 – When Conduct includes Statements	235
	(5) Explanation 2 to Section 8	235
	(6) Complaints as Conduct	238
	(7) The Accused's Right to Silence	241
Section D:	Explanatory and Introductory Facts	250
9D.1:	Relevancy of Facts set out in Section 9	250
	Facts necessary to explain or introduce a fact in issue or relevant fact	251
9D.3 :	Facts which support or rebut an inference suggested by fact in issue	2)1
,2.5	or relevant fact	253
9D.4:	Facts which establish the identity of anything or person whose	255
	identity is relevant	255
9D.5 :		
	relevant fact happened	268
9D.6:	Facts which show the relation of parties by whom any fact in issue	
	or relevant fact is transacted	268
Section E:	Statements and Acts of Conspirators	270
9E.1:	Section 10 and Principle underlying the Section	270
9E.2:	The Illustration to Section 10	270
9E.3:	The Queen vs. Liyanage	271
9E.4:		272
9E.5 :	Operative requirements of the Section	273
9E.6:		277
Section F:	Inconsistent Facts	277
9F.1 :		277
9F.2:		278

9F.3: The Defence of Alibi	278
9F.4: The Effect of the words, "Inconsistent" and "Highly"	281
9F.5: Facts which make the existence or non-existence of any fact in is	ssue
or relevant fact Highly Improbable	282
9F.6: Facts which make the existence or non-existence of any fact in is	
or relevant fact Highly Probable	283
9F.7: The Intrinsic Limitations of Section 11	285
9F.8: Is Hearsay admissible under Section 11?	285
Section G: Facts affecting Damages	286
9G.1 : Section 12	286
9G.2: Section 12 must be read with Section 55	286
9G.3: The facts may be either aggravating or mitigating	286
9G.4 : Examples of such Actions	287
Section H: Facts Concerning Right or Custom	287
9H.1: Section 13 and the Illustration	287
9H.2: Principle underlying, and Scope of Section 13	288
9H.3: Principal concepts in Section 13	288
9H.4: How Right or Custom or Usage can be proved	290
9H.5: Relevancy of previous Judgments not inter partes under Section	13 291
9H.6: Other Provisions of the Ordinance to prove Right or Custom	292
9H.7: Section 13 and the Hearsay Rule	293
Section I: Res Inter Alios Actae	293
9I.1: General Rule re Res Inter Alios Actae — They are inadmissible	293
9I.2: Res Inter Alios Actae in Civil cases	294
9I.3: The Two Exceptions to the General Rule	295
9I.4: The First Exception — Facts showing existence of State of Mind	Ĺ
or Body or Bodily feeling — Section 14	298
9I.5 : Explanation 1 to Section 14	305
9I.6 : Explanation 2 to Section 14	306
9I.7: Similar Facts or System Evidence – Section 15	307
(1) The Question that must arise	307
(2) The Act must form part of a Series of Similar occurrences	310
(3) Acts forming Series must have close connection or nexus	311
9I.8: Historical Development in English Law	312
(1) Statement of Principle — the Modern Starting Point	313
(2) Evidence tending to prove other Offences is admissible if	
relevant to the Issue	314
(3) Some Pre-Boardman Decisions	314
(4) Eleventh Report of the Criminal Law Revision Committee	319
(5) The Impact of D.P.P. vs Boardman on Similar Fact Evidence	320
(6) The Test of Admissibility: Striking Similarity The Post-	
Boardman Cases	322
(7) The balancing of probative value and prejudice	328
9I.9: Need a specific Defence be raised before Similar Fact Evidence	
is admitted? 91.10: Purposes for which Similar Fact Evidence may be relevant	328
The state of the s	330
(1) To connect the accused with specific features of the crime	222
and thus establish the actus reus	330
(2) To prove identity (3) To establish mays rea or a state of mind	330
(3) To establish <i>mens rea</i> or a state of mind	331
(4) To rebut specific defences taken by the accused, or open to the accused	221
	331
(5) To show a guilty purpose	331

	 (6) To show propensity or disposition to commit the particular crime (7) To show sexual passion and propensity to homosexualism (8) To corroborate other Evidence (9) To assist the accused 	331 332 332 332
9J.1 :	Existence of a Course of Business Section 16 and Principle underlying it	332 332
9J.3 :	Application of Section 16 and Section 114(e) The section is used to show that a letter reached the addressee The Existence of a Course of Business is a sine qua non	333 334 335
CHAPTER 10:	STATEMENTS THAT ARE RELEVANT FACTS Introduction	336 337
Section A:	The Rule against Hearsay in Civil and Criminal proceedings	338
10A.1 :	Earlier consideration	338
10A.2 :	Section 60 recognises the General Rule	338
10A.3 :	The General Rule	338
10A.4 :	How our Courts have recognised the General Exclusionary Rule	339
10A.5 :	1	341
10A.6 :		355
10A.7 :		358
10A.8 :		359
	Informal Admissions	360
10B.1 :	The state of the s	360
10B.2 :		361
10B.3 :	When and by whom Admission may be made	363
10B.4 :	The Conditions of Admissibility	370
10B.5 :	= J una against whom proved	372
10B.6 :	1	376
10B.7 :		377
Section C:		378
10C.1 :	"Confession" defined and explained	378
10C.2 :	Admissions compared with Confessions	382
10C.3:	Exculpatory Statements and Confessions	383
10C.4 :	the recevancy of Comessions.	
100 5	They are Relevant and Admissible provided they are Voluntary	393
10C.5 :	The contract reaction of the contract of the c	
	by certain inducements, threats or promises — Sections 24 and 28	
10C.6 :	of the Evidence Ordinance	404
100.0 .	I would be successful that I contessions made to Certain	
10C.7 :	Officers – Section 25 of the Evidence Ordinance	428
100.7 .	Concessions made while in the	
10C.8 :	Custody of Certain Officers: Section 26 of the Evidence Ordinance	436
10C.9 :	210 Provided by Section 2.7	440
Section D:	or do received	454
10D.1 :	bridge of persons who cannot be called as Witnesses	460
101.1 .	The Exception to the Hearsay Rule laid down in Section 32 (1) Section 32	460
		460
	(2) Four Classes of Persons who can make relevant statements (3) The Rule is based on the Person Figure 19 in the Person	460
	(3) The Rule is based on the Best Evidence Principle (4) Verbal Statement is different from O. 10.	462
	(4) Verbal Statement is different from Oral Statement (5) The Prevention of Terrorism (Terrorism Prevention of Terrorism (Terrorism Prevention of Terrorism (Terrorism Prevention of Terrorism Prevention of Terrorism (Terrorism Prevention of Terrorism Prevention Pre	462
	(5) The Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 (Cap.30)	
		463

TA	BL.	F	OF	CON	TENTS	_ 1	10	1 1	IA	ΛF	I
		4.4		CON	TITAL		, ,	1	11	AI 1.	. 1

		(6) The Eight Categories of Facts relevant under Section 32	463
		(A) Dying Declarations – Section 32(1)	463
		(B) Statements made in Course of Business – Section 32(2)	472
		(C) Statements against Interest of Maker – Section 32(3)	476
		(D) Opinions as to Public Right or Custom or matters of	150
		Public or General Interest – Section 32(4)	478
		(E) Statements relating to Existence of Relationship —	400
		Section 32(5) (F) Statements made in Will on Deed coloring to Femilia.	480
		(F) Statements made in Will or Deed relating to Family	101
		Affairs — Section 32(6) (G) Statements in Document relating to transactions	484
		mentioned in Section 13(a) — Section 32(7)	487
		(H) Statements made by Several Persons as to feelings —	407
		Section 32(8)	488
10D.2	•	The Exception to the Hearsay Rule laid down in Section 33	488
Section E			500
		Statements made under Special Circumstances Entries in Books of Account – Section 34	500
		Entries in Public Record made in performance of duty enjoined	300
101.2	•	by law — Section 35	505
10F 3		Maps, Charts and Plans — Section 36	511
10E.4		• *	311
1013.1	•	Notifications – Section 37	512
10E.5	:	Statement in Law books – Section 38	513
		How much of a statement is to be proved	515
		RELEVANCY OF JUDGMENTS OF COURTS	517
Section A	:		510
		Judgments in Criminal Cases	518
11A.1			518
11A.2	•	Relevancy of Criminal Judgments in Civil Cases and of Civil Judgments in Criminal Cases	518
0 .: D			
Section B			524 524
11B.1			524
11B.2	i		524
110 2		per rem judicatam and relevant considerations Description of Per Judicate and its Principle	525
11B.3		Doctrine of Res Judicata and its Principle Necessary Constituents for Res Judicata	528
11B.4 11B.5			529
116.5	•	(1) Regular Action	529
		(2) Same Parties to two Actions or their Privies	529
		(3) Decision recognised by Law	531
		(4) In fact pronounced	532
		(5) Final Judgment	533
		(6) Causes of Action identical	535
		(7) Competent Court having Jurisdiction	539
		(8) No Fraud or Collusion	540
		(9) Foreign Judgments	540
		(10) Correctness of Decision is irrelevant	541
11B.6	:	Can Estoppel per rem judicatam lie in the face of a statute?	541
Section C	:	Recognition of Autrefois Acquit and Autrefois Convict	542
11C.1		Section 40 and the relevant provisions of the Code of Criminal	
		Procedure Act	542

		- 40
Section D:	Issue Estoppel — Section 40 and Section 100	549
11D.1 :	Cause of Action Estoppel compared with Issue Estoppel	549
11D.2:	Applicability of Issue Estoppel in Sri Lanka	550
11D.3:		551
11D.4 :	Issue Estoppel in Civil Cases	553
11D.5 :	Default judgments and Issue Estoppels	553
11D.6:	Issue Estoppel in Criminal Cases	553
Section E:	Judgments in Rem – Relevancy and Conclusive Effect	557
		557
11E.1 :	Judgments in Rem and Judgments in Personam The British and declaring Judgments in Personam	559
11E.2:	The Principle underlying Judgments in Rem The Principle underlying Judgments in Rem. Section 41(1)	559
11E.3 :	The Relevancy of Judgments in Rem – Section 41(1)	560
11E.4 :	The Conclusive Effect of Judgments in Rem – Section 41(2)	562
11E.5 :	The Scope of Section 41	568
11E.6 :	· ·	
11E.7 :		569
Section F:	Judgments, Orders or Decrees relating to Matters of a public	
	nature — Section 42	570
11F.1 :	Section 42	570
11F.2:	Scope of Section	570
11F.3:	Principle underlyling Section	570
11F.4:	Matters of a Public Nature	571
Section G:	Other Judgments, Orders or Decrees - Section 43	571
11G.1 :		571
11G.2 :		572
	What is relevant is the Existence of the Judgment	572
11G.4 :		572
11G.4 :	Exclusion of Judgments which do not fall under Section 43	573
Section H:	Avoidance of Relevant Judgments - Section 44	573
11H.1 :	Section 44 and Principle	573
11H.2:	Incompetency of Court	574
11H.3 :	Fraud or Collusion	576
CHAPTER 12	RELEVANCY OF OPINIONS	580
	General Observations	
12A.1 :		581
	The state of American	581
12A.2 :	The Principle or Reasons for the General Rule	582
12A.3 :	Exceptions are necessary	583
12A.4 :	opinion of interested	584
12A.5 :	Illustration of the Exclusionary Effect of the Rule	584
12A.6 :	Modern Practice	585
12A.7 :	Opinion Evidence of Intoxication	585
12A.8 :	The English Civil Evidence Act, 1972	587
Section B:	The Opinions of Experts	588
12B.1 :	Who are Experts and Principles underlying admission of Expert	
	Evidence	588
12B.2:	The Proof of Foreign Law — The Opinions of Experts on	
	Foreign Law	603
12B.3:	The Opinions of Experts on Science or Art	608
12B.4:	Comparison of Handwriting by Experts	623
12B.5 :	Comparison of Typewritten Matter	629
12B.6 :	Comparison of Finger Impressions by Experts	630
12B.7 :	Comparison of Palm Impressions and Foot Impressions by Experts	634
	The contents and I out impressions by Experts	074

12B.8 : 12B.9 :	Supporting or Rebutting Expert Evidence — Section 46 Defects of Our System relating to Expert Evidence	636 637
Section C:		644
12C.1 :	to Produce and the second and the se	644
	How a person may be Acquainted with the Handwriting of another	644
12C.3 :	Illustrations	645
12C.4 :	Modes of proving Handwriting	646
	Value of such Evidence	648
12C.6:	Are marks and signs included in Section 47?	649
Section D:	Opinions as to Existence of Right or Custom or Usages or Tenets	649
12D.1 :	Opinion as to the existence of right or custom	649
12D.2 :	Section 49	651
Section E:	Opinions on Relationship	652
12E.1 :	The Requirements of Section 50	652
Section F:	Grounds of Opinions — Section 51	660
Section G:	Opinion as to Identity	662
12G.1 :	Are Sections 45 to 51 exhaustive as to Opinion Evidence?	662
	Mistaken Identity	663
		663
	Material Factors in Identification	668
	Evidence of Identification as sole Evidence	668
	Is Corroboration of single witness as to Identity necessary?	670
	Where one Witness supports another on Identification	670
	Dock Identification	671 672
	Delay in Identification and delay in trial affect Identification The use of Photographs in Identification	672
	The use of Photofit pictures	674
	Reports in England on Identification	674
CHAPTER 13:	RELEVANCY OF CHARACTER	675
Section A:	General Observations	676
13A.1 : '	The General Rule: Character of Parties is generally Irrelevant	8000, 10, 10 -2 10
	unless in issue	676
Section B :	Relevancy of Character of Parties in Civil Cases	676
	Character is generally Irrelevant in Civil Cases — Section 52	676
	Character affecting Damages in Civil Cases — Section 55	678
Section C: 1	Relevancy of Character in Criminal Cases	680
	Why Character is material in Criminal cases	680
	Good Character is always relevant – Section 53	680
13C.3 : (Generally Bad Character is irrelevant in Criminal Cases — Section 54	684
	Effect of Disregard of the General Rule	688
	Scope of Rules regarding Character	696
	Exceptions to the General Rule excluding Evidence of Bad Character – Section 54	699
13C.7 : 0	Certain Developments of the Rules relating to Character in	
F	English Law	707
	Meaning of the Word "Character" in Sections 52 to 55	710
	The Explanation to Sections 52 to 55	710
	Our Law differs from the English Law	711
13D.3 : I 13D.4 : k	Distinction between Reputation and Disposition Kind of Character Evidence that is Admissible	713
		714
Section E : C	Character of witnesses	714