

LAW OF EVIDENCE ACT 1844

ACT No. VII. OF 1844

(Rep., Act 8 of 1868)

[6th April, 1844.]

*Passed by the Right Hon'ble the Governor General of India in Council, on the 6<sup>th</sup> April, 1844.*

AN Act for improving the Law of Evidence.

I. Whereas the enquiry after truth in Her Majesty, Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil Cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

It. Is hereby enacted, that within the local jurisdiction of Her Majesty's Courts no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having by Law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts, to hear, receive and examine evidence, but that every person so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided, that this Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the Landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. Of 1838. Provided, that in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matter or any or the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

II. And it is hereby, that nothing in this Act shall apply to, or affect any suit, action, or proceeding, brought or commenced before the passing of this Act.

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