

Unit 2 Section 3 definitions

Section 3 contains details on the interpretation of the terms – Court, Fact, Relevant, Facts in issue, Document, Evidence, Proved, Disproved, Not Proved

1. Court : Court consists of all judges and magistrates, and any person who is legally authorised to take evidence, with the exception of arbitrators and tribunals.

It is the body which is capable of making decision or judgement which will be final and authoritative in nature.

2. Facts: Physical and Mental facts

i. Physical facts are those facts which we can observe through our own senses. For example, seeing, heard like hearing the sound of a horn, etc.

ii. Mental facts means any mental condition which a person is conscious (It means that person should have conscious that this condition exist) For example , Intention, knowledge, motive, voluntarily, good faith.

So if A shoots than the mental fact would be whether A had intention to shoot the other party or not.

3. Facts in Issue: It means Principal or main fact which determines rights and liabilities of the parties.

- It is presented by one and denied by other party.
- The determination of facts in issue leads to disposal of the case.
- For example A sues B for breach of contract. So here the fact in issue is whether there was contract between A and B and whether B breached the contract. So when this facts will be determined the case will be disposed.
- Another example A killed B with knife. So the fact in issue is Whether A killed B and whether A had intention to kill B.

4. Relevant Facts: These are those facts which help us to prove or disprove the facts in issue. They are not fact in issue. Relevant facts are also called as evidentiary facts

- Admissions and confessions, precedents from case laws, third party opinions, etc come under the category of relevant facts.
- For example A' is accused of committing theft. So relevant fact would be that 'A' had a history of pickpocketing and stealing, and has earlier also arrested for the same and the

Unit 2 Section 3 Notetaking Study Guide

Mike Jess



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Table of Contents Unit 2 Section 3 Notetaking Study Guide

1. Understanding the eBook Unit 2 Section 3 Notetaking Study Guide
 - The Rise of Digital Reading Unit 2 Section 3 Notetaking Study Guide
 - Advantages of eBooks Over Traditional Books
2. Identifying Unit 2 Section 3 Notetaking Study Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Unit 2 Section 3 Notetaking Study Guide
 - User-Friendly Interface
4. Exploring eBook Recommendations from Unit 2 Section 3 Notetaking Study Guide
 - Personalized Recommendations
 - Unit 2 Section 3 Notetaking Study Guide User Reviews and Ratings
 - Unit 2 Section 3 Notetaking Study Guide and Bestseller Lists
5. Accessing Unit 2 Section 3 Notetaking Study Guide Free and Paid eBooks
 - Unit 2 Section 3 Notetaking Study Guide Public Domain eBooks
 - Unit 2 Section 3 Notetaking Study Guide eBook Subscription Services
 - Unit 2 Section 3 Notetaking Study Guide Budget-Friendly Options

6. Navigating Unit 2 Section 3 Notetaking Study Guide eBook Formats
 - ePub, PDF, MOBI, and More
 - Unit 2 Section 3 Notetaking Study Guide Compatibility with Devices
 - Unit 2 Section 3 Notetaking Study Guide Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Unit 2 Section 3 Notetaking Study Guide
 - Highlighting and Note-Taking Unit 2 Section 3 Notetaking Study Guide
 - Interactive Elements Unit 2 Section 3 Notetaking Study Guide
8. Staying Engaged with Unit 2 Section 3 Notetaking Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Unit 2 Section 3 Notetaking Study Guide
9. Balancing eBooks and Physical Books Unit 2 Section 3 Notetaking Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Unit 2 Section 3 Notetaking Study Guide
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Unit 2 Section 3 Notetaking Study Guide
 - Setting Reading Goals Unit 2 Section 3 Notetaking Study Guide
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Unit 2 Section 3 Notetaking Study Guide
 - Fact-Checking eBook Content of Unit 2 Section 3 Notetaking Study Guide
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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