

2024

LAW

Paper: LLB401

(Law of Evidence)

Full Marks: 80

Pass Marks: 36

Time: Three hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer:

1x10=10

- (a) Law of Evidence is _____.
- (i) substantive law
 - (ii) procedural law
 - (iii) statutory law
 - (iv) adjective law
- (b) The Indian Evidence Act is not applied to _____.
- (i) affidavits presented to court
 - (ii) proceedings before an arbitrator
 - (iii) civil matters
 - (iv) matrimonial cases
- (c) Fact in issue means the fact, existence or non-existence of which is _____.
- (i) admitted by the parties
 - (ii) disputed by the parties
 - (iii) part of same transaction
 - (iv) all of the above

- (d) Under which section of the Indian Evidence Act, an accused may plead alibi _____.
- (i) section 9
 - (ii) section 10
 - (iii) section 11
 - (iv) section 12
- (e) Exception to the rule 'hear-say evidence is not admissible', is laid down in the Indian Evidence Act ____.
- (i) section 30
 - (ii) section 31
 - (iii) section 32
 - (iv) section 33
- (f) In criminal case, the fact that the person accused is of good character _____.
- (i) is not a relevant fact
 - (ii) is a relevant fact
 - (iii) is a fact in issue
 - (iv) none of the above
- (g) Facts judicially noticeable _____.
- (i) may be proved
 - (ii) need not be proved
 - (iii) partially proved
 - (iv) none of the above
- (h) Section 75 of Indian Evidence Act, 1872 deals with _____.
- (i) public documents
 - (ii) private documents
 - (iii) primary document
 - (iv) secondary document

- (i) Dumb witness may give his evidence by writing or signs in open court such evidence shall be deemed to be _____.
- (i) written evidence
 - (ii) oral evidence
 - (iii) documentary evidence
 - (iv) indirect evidence
- (j) Leading questions can be asked in _____.
- (i) cross examination
 - (ii) examination-in-chief
 - (iii) reexamination
 - (iv) examination in chief and reexamination

2. Write short notes on : **2x5=10**

- (a) Circumstantial Evidence and Direct Evidence.
- (b) Admission.
- (c) Relevance of judgment.
- (d) Burden of Proof.
- (e) Privileged communications.

3. (a) What are the main features of the Indian Evidence Act 1872? Write also the nature and purpose of Law of Evidence in Civil and Criminal Cases? 6+6=12

Or

- (b) Write details note on Relevant facts and facts in issue. 6+6=12

4. (a) Relevancy and admissibility are not co-extensive terms. Explain. 12

Or

- (b) Write a brief note on extrajudicial confession. Is there any situation under which an extrajudicial confession can be the basis for conviction? 8+4=12

5. (a) What is dying declaration? Can dying declaration be acted upon without corroboration. 12

Or

- (b) Who is an expert? In what situations are opinions of experts (or third persons) admissible as evidence?

4+8=12

6. (a) Explain the rules of evidence relating to exclusion of oral evidence by documentary evidence under the Indian Evidence Act, 1872. 12

Or

- (b) What is estoppels? What are different kinds of estoppels? 4+8=12

7. (a) What is the order of Examination of witness in court? What types of questions may be put to a witness during cross- examinations? Can a party to a case put leading question to his own witness. 2+5+5=12

Or

- (b) Who is a competent witness? Discuss the competency of child witness and dumb witness.

4+8=12

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1. Choose the correct answer : $1 \times 10 = 10$
- (i) As per Indian Evidence Act, who has the burden of proving the existence of facts in a legal proceedings
- (a) Plaintiff
 - (b) Defendant
 - (c) Judge
 - (d) Advocate

- (ii) Fact as per Section 3 means and include _____.
- (a) Anything
 - (b) State of things
 - (c) Relations of things
 - (d) All of the above
- (iii) Opinion of experts is relevant when court has to form opinion on _____.
- (a) Foreign law
 - (b) Identification of handwriting
 - (c) Dying declaration
 - (d) Only (a) and (b) are correct
- (iv) Relevancy of facts forming part of same transaction is dealt under Section _____ Indian Evidence Act.
- (a) 4
 - (b) 6
 - (c) 8
 - (d) 10

(v) Public documents are mentioned in section _____.

(a) 72

(b) 73

(c) 74

(d) 75

(vi) If the evidence relates to the existence or non-existence of only a relevant fact, it is called _____.

(a) Direct evidence

(b) Circumstantial evidence

(c) Real evidence

(d) Substantial evidence

(vii) Relevancy of the characters from section 52 to 55 deals about the character of _____.

(a) Parties

(b) Witness

(c) Judges

(d) Advocates

(viii) If a dumb witness testifies before the court, it would be treated as _____.

- (a) Documentary evidence
- (b) Oral evidence
- (c) Circumstantial evidence
- (d) Real evidence

(ix) Re-examination of a witness can be done _____.

- (a) After examination in chief and cross examination
- (b) After examination in chief
- (c) After cross examination
- (d) None of the above

(x) Section 131 of the Indian Evidence Act provides for _____.

- (a) Dumb witness giving evidence
- (b) Examination of chief witness
- (c) Production of electronic records which another person having possession
- (d) Privileged communication

2. Write short notes on : 2×5=10
- (i) Test identification parade
 - (ii) Facts in issue
 - (iii) Relevancy of previous bad character of accused
 - (iv) Presumption as to dowry death
 - (v) Leading question

3. Write short notes on the following : 4×3=12
- (i) May presume
 - (ii) Shall presume
 - (iii) Conclusive proof

Or

Write short notes on the following : 4×3=12

- (i) Circumstantial evidence
 - (ii) Direct evidence
 - (iii) Documentary evidence
4. What is meant by relevancy of facts ? When are opinions of third persons relevant ? Discuss in brief with a help of case laws. 6+6=12

Or

Distinguish between admission and confession. What is the evidentiary value of confession made by accused before police ?

6+6=12

5. What are the essential requirements for a valid dying declaration ? Explain briefly in which statements of relevant facts by persons who is dead or cannot be found is relevant.

8+4=12

Or

Discuss the circumstances in which opinions of third person are relevant. State the essential conditions for the admissibility of evidence of character in civil and criminal cases.

6+6=12

6. Explain the meaning of burden of proof. Is the law in relation to civil cases different from criminal cases ? Discuss.

6+6=12

Or

What is public document ? Discuss the provisions relating to admissibility of electronic evidence under Indian Evidence Act, 1872 with a support case law.

4+8=12

7. Who can be a witness ? Discuss the scope of privileged communication protected under Section 123 of Evidence Act, 1872.
6+6=12

Or

Write short notes on the following : 3×4=12

- (i) Examination in chief
 - (ii) Cross examination
 - (iii) Re examination
 - (iv) Hostile and child witness
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