

Fifth Semester LL.B. Three Years Course (C.B.S.) Examination

LAW OF EVIDENCE

Compulsory Paper—3

Time : Three Hours]

[Maximum Marks : 80

N.B. :— (1) Attempt **ALL** sections. Section A consists of **10** marks, Section B consists of **30** marks, Section C consists of **40** marks.

(2) Follow the instructions given in each Section.

(3) Marks are indicated against each question.

SECTION—A

1. Choose the correct alternative (any *ten*) :

(i) The term “court” does not include :

(a) Judges

(b) Magistrates

(c) Arbitrators

(d) All persons legally authorized to take evidence

(ii) ‘Z’ is charged with theft and had been previously convicted of theft. The previous conviction is :

(a) Not Relevant

(b) Relevant as a fact in issue

(c) Only Relevant fact

(d) None of the above

(iii) According to Section 45, the opinions of experts on the point of foreign law or of science or art or of handwriting, or of finger impressions are relevant facts :

(a) Correct

(b) Incorrect

(c) Partly correct

(d) None of above

(iv) The expression “Facts in issue” means any fact from which the existence, non-existence, nature or extent of any right, liability or disability :

(a) May follow

(b) May or may not follow

(c) Necessarily follows

(d) None of the above

(v) The facts, which are so connected with a fact in issue as to form part of the same transactions, are called :

(a) Proved facts

(b) Facts not proved

(c) Relevant facts

(d) Facts-in-issue

(vi) Which of the following is a document :

(a) A map or plan

(b) An inscription on a metal plate or stone

(c) A caricature

(d) All the above

(vii) The contents of documents may be proved either by primary or by secondary evidence :

- (a) True
- (b) False
- (c) Partly true and Partly false
- (d) None of the above

(viii) "Experts" are those persons who are specially skilled :

- (a) In foreign law
- (b) In science or art
- (c) In identification of handwriting or finger impressions
- (d) Each of above

(ix) A fact which shows motive and preparation for any fact in issue is :

- (a) A relevant fact
- (b) An irrelevant fact
- (c) Also a fact in issue
- (d) All above

(x) Examination-in-chief means :

- (a) The examination of a witness by the party, who calls him
- (b) The examination of a witness by the adversary
- (c) The examination of a witness subsequent to cross-examination by the party, who calls him
- (d) None of above

(xi) The facts which need not be proved are :

- (a) Judicially noticeable facts
- (b) Admitted facts
- (c) Both judicially noticeable and admitted facts
- (d) Neither (a) nor (b)

(xii) There is a presumption as to genuineness of :

- (a) Certified copies
- (b) Documents produced as records of evidence
- (c) Collections of laws and reports of decisions
- (d) Each one of above

(xiii) Burden of proving that the case of accused comes within exceptions lies on :

- (a) Accused himself
- (b) Prosecution
- (c) Witness
- (d) None of above

(xiv) Who is/are the competent witnesses ?

- (a) A lunatic
- (b) A child witness
- (c) An accomplice
- (d) All above

(xv) The questions tending to corroborate evidence of relevant facts are :

- (a) Admissible
- (b) Inadmissible
- (c) Impermissible
- (d) Either (b) or (c)

1×10=10

SECTION—B

Note :— Both the questions in this Section are compulsory.

2. Answer the following (any *three*) :
- (a) What is privilege of a witness ?
 - (b) Oral evidence must be direct. — Discuss.
 - (c) Distinguish between admission and confession.
 - (d) What is meant by Estoppel ? 5×3=15
3. Write short notes on (any *three*) :
- (a) Res gestae
 - (b) Presumption
 - (c) Leading questions
 - (d) Fact. 5×3=15

SECTION—C

Note :— Answer any *five* questions of the following.

4. What is meant by evidence ? Discuss its classification.
5. What is meant by dying declaration ? State precautions pertaining to it.
6. Which facts are not required to be proved ? What is meant by facts of which court has to take judicial notice ?
7. What is meant by burden of proof ? On whom it lies ? When it gets shifted ?
8. Explain the relevancy of motive, preparation and previous or subsequent conduct in any suit or proceeding.
9. Discuss the provisions relating to impeaching credit of witness.
10. What is meant by confession ? What is the position of confession made to police ?
11. Discuss the various stages through which examination of witness proceeds. 5×8=40