

KNT/KW/16/6993

Eighth Semester B.A.LL.B. 5 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 section.

SECTION—A

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

- (i) A man is seen running with a knife in his hand stained with blood, is an instance of :
 - (a) direct evidence
 - (b) circumstantial evidence
 - (c) material evidence
 - (d) hearsay evidence
- (ii) Y is businessman. In his account books there is entry that he received Rs. 50,000/- from Z. Does it amount to :
 - (a) admission
 - (b) confession
 - (c) confirmation
 - (d) none
- (iii) The confessional statement must be recorded by :
 - (a) Police
 - (b) Investigating Officer
 - (c) Circle Inspector
 - (d) Judicial Magistrate
- (iv) Before producing secondary evidence the party must prove :
 - (a) existence of original document
 - (b) loss of original document
 - (c) custody of original from which it is coming
 - (d) both (a) and (b)
- (v) Test Identification Parade is conducted :
 - (a) during investigation
 - (b) during trial
 - (c) framing of charge
 - (d) filing of chargesheet

(vi) Leading questions can only be asked :

- (a) during examination-in-chief
- (b) in cross-examination
- (c) re-examination
- (d) examination u/s 313 of the code

(vii) Expert opinion is covered u/s :

- (a) s.45
- (b) s.55
- (c) s.32
- (d) s.50

(viii) Information and Discovery is an exception to :

- (a) s.24
- (b) s.25
- (c) s.26
- (d) none

(ix) Which one of the following is correct ?

- (a) Indian Evidence Act, 1892
- (b) Indian Evidence Act, 1882
- (c) Indian Evidence Act, 1972
- (d) Indian Evidence Act, 1872

(x) Extra-judicial confession is only relevant if made before :

- (a) Magistrate
- (b) Close relative
- (c) Stranger
- (d) Police

(xi) Under which section provision for expert opinion is made ?

- (a) s.42
- (b) s.32
- (c) s.50
- (d) s.45

(xii) The witness can refresh his memory by :

- (a) referring to the documents
- (b) referring to statements u/s 161 & 162 of Cr. P.C.
- (c) if permitted by court
- (d) if not objected to by adverse party

(xiii) Impeaching credit of witness refers to :

- (a) giving of evidence of persons that the witness is unworthy of credit
- (b) by proof that witness is bribed
- (c) by proof of inconsistent former statement with the evidence
- (d) none

(xiv) In dying declaration it must be proved that :

- (a) There has been death
- (b) Party is surviving
- (c) Deceased identified accused
- (d) Injury on the person of deceased

(xv) Matrimonial communication permitted to be disclosed :

- (a) if person who made it consents
- (b) in suits between married spouses
- (c) in prosecution for crime committed against other
- (d) after divorce.

1×10=10

SECTION—B

(Short answer questions)

2. Answer the following (any **THREE**) :

- (a) What is the result of improper admission and rejection of evidence ?
- (b) When can the secondary evidence may be given ?
- (c) Can conviction be based solely on an uncorroborated dying declaration ?
- (d) What is the evidentiary value of FIR ?

5×3=15

3. Answer the following (any **THREE**) :

- (a) 'Evidence of an accomplice needs corroboration.' Discuss.
- (b) Discuss the evidentiary value of a child witness.
- (c) Write a note on Burden of Proof and Onus of Proof.
- (d) Explain the doctrine of confirmation by the subsequent events.

5×3=15

SECTION—C

(Long answer questions)

Answer the following (any **FIVE**) :

4. Admission is not conclusive proof of the facts admitted but if acted upon, operates as estoppel. Discuss.
5. 'Uncorroborated evidence of an approver can be relied upon for conviction. Discuss combined effect of s.133 and s.114 (b) of Indian Evidence Act.
6. Issue estoppel refers to issues of facts since proved in a decided case. Can it be again re-opened ?
7. Is cross-examination confined to facts deposed to in, examination-in-chief ?
8. Compare between relevant facts and facts in issue.
9. 'Confidential communications with legal advisors can not be disclosed.' Discuss exceptions.
10. What is hearsay evidence ? How is it different from best evidence ?
11. 'Falsus in uno falsus in omnibus' is not applicable in India." Give reasons. 8×5=40