

Total number of printed pages-8

4 SEM LLB (N) LoE 1

2018

(June)

LAW

Paper : 4.1

(Law of Evidence)

(New Course)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : $1 \times 10 = 10$
- (i) Leading questions must not if objected to by the adverse party, be asked in an _____ except with the permission of the court.
- (a) Examination-in-chief
 - (b) Reexamination
 - (c) Cross-examination
 - (d) Both (a) and (b) are correct.

(ii) The credit of a witness may be impeached in the following ways by the adverse party or with the consent of the court by the party who calls him

(a) by the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(b) by proof that the witness has been bribed, or has (accepted) the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(c) by proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(d) All of (a), (b) and (c) are correct.

(iii) No tenant of _____ property or person claiming through such tenant, shall during the continuance of the tenancy be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such property and no person who came upon any such property by the licence of the

person in possession thereof shall be permitted to deny that such person had a title to such possession of the time when such licence was given

- (a) Movable
- (b) Immovable
- (c) Both (a) and (b) are correct
- (d) None of the above.

(iv) With respect to testimony of an accomplice

(a) An accomplice cannot be a competent witness

(b) A conviction is illegal if it is based on the uncorroborated testimony of an accomplice.

(c) A conviction is not illegal if it is based on the uncorroborated testimony of an accomplice.

(d) All of the above.

(v) What is the number of witnesses required for the proof of any fact?

(a) three

(b) one

(c) two

(d) No particular number of witnesses.

(vi) The burden of proof in a suit or proceeding lies on the person who would _____ if no evidence at all were given on either side.

(a) fail

(b) succeed

(c) both (a) and (b) are correct

(d) None of the above.

(vii) In _____ cases, the fact that the character of any person concerned in such as to render, probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

(a) Circuit Cases

(b) Criminal Cases

(c) Both (a) and (b) are correct

(d) None of the above.

(viii) Judgements, orders or decrees other than those mentioned in section 41 are relevant if they relate to matters of a public nature relevant to the enquiry, but such judgements, orders or decrees are _____ if that which they state.

- (a) Conclusive proof
- (b) Not conclusive proof
- (c) Both (a) and (b) are correct
- (d) None of the above.

(ix) The provision of alibi is governed by which of the following section?

- (a) Section 7
- (b) Section 9
- (c) Section 11
- (d) Section 13.

(x) Presumption is to abetment of suicide by a married women

- (a) is a conclusive proof
- (b) is taken when the suicide of the women was within or after 7 years of marriage
- (c) is not applicable to cruelty by relative of husband
- (d) none of the above.

2. Define Admission. State the persons whose admission are relevant. 12

Or

Distinguish between Admission and confession citing suitable examples. To what extent confession made in police custody, admitted in Evidence? 8+4=12

3. Discuss the method of providing the contents of a document, explaining what constitutes primary evidences and secondary evidence. 12

OR

What documents are called Public Document? Who can give certified copy of Public document? State the necessary particulars contained in a copy to be properly certified. 4+4+4=12

4. Do you agree that oral evidence must be direct? Examine with suitable illustrations and permissible exceptions, if any. 12

Or

Section 6 of the Evidences Act is based upon the English doctrine of *Res gestae* though this word has been scrupulously avoided by the section. Examine the scope of section 6 of the Act. discussing the English doctrine of *Res gestae*. 12

5. Explain what do you understand by examination of witness. What are the types of examination and narrate *at least four* basic rules of various types of examination of witness? 4+8=12

OR

What is corroboration? Under what circumstances corroboration is necessary? Mention the rule of corroboration of an accomplice. 2+4+6=12

6. What is Estoppel? To what extent does the Indian Evidence Act accept the principle of Estoppel? Discuss. 12

OR

Role and significance of Indian Evidence Act in the Indian legal system. 12

7. Write briefly on the following : $2 \times 5 = 10$

(i) Hostile witness

(ii) Evidentiary value of electronic records

(iii) Child witness

(iv) To which proceeding the Indian Evidence Act is not applicable

(v) Relevancy of character.
