

2007

(July)

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✓ **LAW OF EVIDENCE**

Paper : 503

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer any **five** questions

1. Define 'facts in issue' according to the Indian Evidence Act. How does it differ from issue of fact? Give examples. 8+8

2. What do you understand by conclusive proof? Give some illustrations when one fact is conclusive proof of another. 8+8

3. In what cases, if any, can the confession of an accused person be used against a co-accused?

4. "In criminal proceedings, the fact that the accused person has a bad character is irrelevant." Discuss. 16
5. What is the meaning of 'hearsay evidence'? What are the reasons for not admitting 'hearsay' as evidence? 8+8
6. On whom does the burden of proof lie, and on what provisions of the Indian Evidence Act? (Any two) : 8+8
- (a) B is charged with the murder of A. B contends that he was insane when he committed the act.
- (b) A, who is only 19 years of age, sues for setting aside a sale deed executed by him in favour of his father B, on the ground that it was executed under undue influence. B alleges that the deed is valid.
- (c) A sues B for money due on a bond. The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.
7. Discuss the principle upon which the rule of estoppel as laid down in the Indian Evidence Act rests. Can mere silence ever amount to an estoppel? 8+8

8. Section 133 of the Evidence Act says :

“A conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.”

Illustration (b) to Sec. 114 of the Evidence Act states :

“A court may presume that an accomplice is unworthy of credit unless he is corroborated in material particulars.”

Reconcile the above two propositions. 16

9. What is a leading question? When can it be asked and when it cannot be asked? 8+8

10. State the facts, the decisions and the reasons thereof in—

Kishore Chand

vs.

State of H.P.

(AIR 1990, SC 2140)

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