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5 SEM LLB 3 LoEV

2008

(June-July)

✓ LAW OF EVIDENCE

Paper : 503

Full Marks : 80

Time : Three hours

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

Answer Question No. *1* and *any four* of the rest.

1. Define *any four* of the following : 4×4
- (a) May presume
 - (b) Conclusive proof
 - (c) Motive
 - (d) Test identification parade
 - (e) Hearsay evidence.

2. (a) What is a dying declaration ? 8+8
- (b) How far the dying declaration of a person who happens to survive can be taken into consideration by the court ?
3. Define : 16
- Examination in chief,
Cross examination and
Re-examination What is the duty of court in such state of taking evidence ?
4. In criminal cases the burden of proof, using the phrase in its strictest sense, is always upon the prosecution and never shifts, whatever may be the evidence during the progress of the case.
- In what circumstances and in what sense the burden may shift to the accused under section 105 of the Indian Evidence Act ? Discuss. 16
5. When facts not otherwise relevant become relevant ? Discuss the facts relevant when right or custom is in question. 8+8
6. Discuss : Witness may lie, but circumstances can not, and compare with those to 'primary evidence' and secondary evidence. 8+8

7. Distinguish among “estoppel”, “waiver” and “res-judicata” elaborately. 16
8. What is a leading question ? When can it be asked and when it cannot be asked ? 8+8

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