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5 SEM LLB 3 LoEV

2009

( JUNE )

**LAW OF EVIDENCE**

**Paper : 503**

*Full Marks : 80*

Time : Three hours

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

1. When is a fact said to be 'proved' and when is it said to be 'disproved' ? 16

*Or*

What do you understand by conclusive proof ? Illustrate your answer with some examples.

8+8

2. "Relevancy and admissibility are not co-extensive terms"

Give reasons for and instances of this rule.

8+8

*Or*

“In criminal proceedings, the fact that the accused person has a bad character is irrelevant” – Discuss.

16

3. Explain fully the rule that oral evidence must, in all cases, be direct.

Is there any exception to this rule? Give concrete examples.

8+8

*Or*

What is the meaning of ‘hearsay evidence’?

What are the reasons for not admitting ‘hearsay’ as evidence?

8+8

4. Can a lunatic *or* a dumb person be a competent witness?

When can a witness be allowed to answer questions in writing?

8+8

*Or*

What professional communications between a party and his legal adviser are protected from disclosure?

When are professional communications not protected?

8+8

5. ✓ What are the principal rules regarding the kinds of questions that may be asked in examination-in-chief, cross-examination and re-examination?

16

*Or*

✓ Is it open to a party to discredit his own witnesses, or to put leading questions to them?

16

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