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**5 SEM LLB(N) 2 LoEV**

**2011**

(December)

**LAW OF EVIDENCE**

Paper : 502

(New Course)

Full Marks — 80

Pass Marks — 32

Time — Three hours

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

Answer any *five* questions.

1. Answer the following questions with reasons stating the relevant provision of the Indian Evidence Act : (Any *two*) 8×2=16
  - (a) 'X' is accused of kidnapping a child from Ghaziabad on 01.09.2011. He takes the defence and produces certificate that he was undergoing treatment for lung infection at AIIMS, New Delhi from 25.08.2011 to 04.09.2011. Whether the evidence adduce by 'X' is relevant or not ?

- (b) 'A' is tried for the murder of 'C'. There is evidence to show that 'C' was murdered by 'A' and 'B', and that 'B' said — 'A' and I murdered 'C'. Whether 'B's confession is admissible against 'A' ?
- (c) 'X' is the owner of a plot of land which he is shown to be in possession. 'A' states that 'X' is not the owner thereof. On whom does the burden of proof lie ?
- (d) 'A' stated to his wife 'W' that he would get her jewels and that he had gone to the house of 'D', the deceased, to get them. 'A' was later put on trial for the murder of 'D'. Whether the aforesaid statement made to 'W' be admissible in evidence against 'A' ?

2. Answer briefly within 4/5 lines each the following questions : 4×4=16

- (a) Law of Evidence is said to be 'lex-foi'. Comment.
- (b) Are 'relevancy' and 'admissibility' synonymous terms ? Illustrate your answer by giving atleast one example.
- (c) Who is an 'expert' ? Is the opinion given by him relevant ?
- (d) Who is a competent witness ? Is a dumb person competent to testify ?

3. Distinguish between the following :  $4 \times 4 = 16$

(a) Presumptions of law and presumptions of fact

(b) Admission and Confession

(c) Direct Evidence and Hearsay Evidence

(d) Public Document and Private Document.

4. 'Facts which though not in issue, are so connected with a fact in issue as to form part of the same transaction are relevant, whether they occurred at the same time and place or at different times and places ? Discuss with illustrations. 16

5. Explain the law relating to admissibility of statements by persons who cannot be called as witnesses. 16

6. 'The business of the court is to try the case and not the man; and a very bad man may have a very righteous cause'. Examine the truth of this statement with reference to the reception of evidence of character. 16

7. 'Oral evidence is excluded by documentary evidence.' Explain the rule and state the exceptions to this rule with illustrations.

$8 + 8 = 16$

8. Discuss the law relating to estoppel under the Indian Evidence Act. Whether these can be estoppel against a statute ? Explain and illustrate.

10+6=16

9. (a) Explain the terms 'examination-in-chief', 'cross-examination' and 're-examination'. 12

(b) May a court allow cross-examination after re-examination ? If so, under what circumstances ? 4

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