

Total number of printed pages-4

5 SEM LLB LoE 2(O)

2015

(December)

LAW

(Law of Evidence)

Paper : 502

(Old 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. Write short notes on the following :
(Any Four) 4×4=16
 - (a) Facts in issue
 - (b) Retracted confession
 - (c) Hearsay evidence

(d) Judicial notice

(e) Burden of proof

(f) Hostile witness

2. (a) Explain 'may presume', 'shall presume' and 'conclusive proof' with example. $4+4+4=12$
- (b) Distinguish between 'may presume' and 'shall presume'. 4
3. When does a fact not otherwise relevant becomes relevant? Explain with illustrations. 16
4. Discuss the circumstances under which a confession made by an accused while in custody of police is admissible. 16
5. How far the character of parties to the suit is relevant in —
- (a) Civil case and
- (b) Criminal Case? $8+8=16$

6. What do you mean by secondary evidence? State the circumstances when secondary evidence relating to documents may be admissible. $6+10=16$
7. Explain with reasons on whom the burden of proof lies in the following cases — $4 \times 4 = 16$
- (a) Burden of proof as to particular fact.
 - (b) Burden of proving fact especially within knowledge.
 - (c) Burden of proving death.
 - (d) Burden of proof as to ownership.
8. Who is a competent witness? Examine the competence of the following as witness. $4+4+4+4=16$
- (a) A child of tender age
 - (b) Dumb person
 - (c) A lunatic
9. (a) Explain 'examination-in-chief', 'cross examination' and 're-examination'. $4+4+4=12$

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

4

10. Is it open to a party to discredit his own witness or to put leading question to him? Discuss.

16

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