

Total number of printed pages—4

19 (3-IV) LWEV

2015

LAW OF EVIDENCE

Paper : 4-1

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer. $1 \times 10 = 10$
- (a) The Indian Evidence Act came into force on the (1st September, 1872/ 2nd April 1872).
 - (b) The Indian Evidence Act is (Substantive Law/Adjective Law)
 - (c) Doctrine of Res gestae found in the (Section 6/Section 10) of the Indian Evidence Act.
 - (d) Court can take Judicial Notice of (all Laws/Law of the land only).

Contd.

(e) A dying declaration recorded by a police officer is (not reliable/may be relied upon if there was no time or facility for adopting better method).

(f) The plea of alibi postulates physical impossibility of the presence of the accused at the scene of offence by reason of his (Presence in another place/innocence).

(g) A person making a confession (should not be warned/should be warned) beforehand that the statement would be used against him.

(h) Under Section 8 of the Evidence Act (motive/preparation/conduct) is relevant.

(i) Under the Evidence Act, Fact means (Factum probandum/Factum probans/ both Factum probandum and Factum probans).

(j) Indian Evidence Act applies to (proceedings before tribunals/ arbitrator/in courts/all of the above).

2. Write short notes on : ... 2×5=10

(a) Hostile Witness

(b) Doctrine of Estoppel

(c) Conclusive proof

(d) Primary Evidence

(e) Privileged communication.

3. 'Hearsay evidence is no evidence'. Explain with the exception, if any, by referring to leading cases. 12

Or

Distinguish between : 6+6=12

(a) Presumption of law and presumption of fact.

(b) Direct evidence and circumstantial evidence

4. What is retracted confession? What are the grounds for rejecting an extra judicial confession. 12

Or

Fact 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.

5. What is dying declaration ? Discuss the law relating to admissibility of dying declaration under the Indian Evidence Act. 12

Or

Who is an expert ? In what situations are opinions of experts admissible as evidence. 12

6. Proof beyond reasonable doubt does not mean proof beyond shadow of doubt. Discuss with examples. 12

Or

What is 'burden of proof' ? Enumerate the rule relating to burden of proof. Is there any difference between 'burden of proof' and 'onus of proof' ?

7. Discuss the procedure for impeaching the credit of a witness in relation to his former statements. Can a party impeach his witness ? 12

Or

What is the order of Examination of witness in court ? What types of questions may be put to a witness during cross examination ?

- Can a party to a case put leading question to his own witness. 12