

2016

**LAW OF EVIDENCE**

Full Marks : 80

Time : Three hours

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

***Answer all questions.***

1. Choose the correct answer. 1×10=10
  - (a) The Indian Evidence Act 1872 extends to the whole of India / whole of India except the State of Jammu and Kashmir.
  - (b) Under the Indian Evidence Act court includes
    - (i) All Judges and Magistrates.
    - (ii) All Judges and Magistrates and all persons, except arbitrators, legally authorised to take evidence.
  - (c) Evidence Act is (Substantive Law / Adjective Law).

Contd.

- (d) Leading questions may be / may not be asked in an examination-in-chief except with the permission of the court.
- (e) Section 6/8/10 states that Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.
- (f) Relevancy and admissibility (are / are not) the same thing.
- (g) Court can take Judicial Notice of (all Laws/Laws of the Land only).
- (h) (Section 133/Section 135) deals with evidence of accomplice.
- (i) Witnesses to character may be (examined/cross examined).
- (j) 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).

2. Write notes on : 2×5=10

- (a) Direct evidence
- (b) Collateral facts
- (c) What is confession ?

- (d) Res-gestae.
- (e) Hostile witness.

3. 'Law of evidence being Procedural law is restrospective in operation'-- Discuss the above statement. 12

Or

Distinguish between : 6+6=12

- (a) Relevant facts and facts in issue.
- (b) Oral and Documentary evidence.

4. Distinguish between admission and confession. Illustrate your answer suitably with the help of decided case laws. 12

Or

"Relevancy and admissibility are not co-extensive terms". Explain clearly with suitable examples.

5. Make a distinctive analysis of dying declaration and law relating to dying declaration under Indian Evidence Act 1872. 12

**Or**

Who is an expert ? What are the types of expert ? What is the value of opinion of expert in the Evidence Act 1872 ? 4+4+4=12

6. "In the nature of things, a negative is more difficult to establish than an affirmative"—Elucidate the statement with illustration of the rules relating to burden of proof. Who is to introduce evidence in a case ? 8+4=12

**Or**

What is 'estoppel' ? Explain the different kinds of estoppel. Is there any difference between 'estoppel' and 'presumption'. 2+8+2=12

7. Who is competent to testify ? Explain the value of child and dumb witnesses.

4+8=12

**Or**

Explain -

6+6=12

(a) Privileged Communications.

(b) Judicial Privileges.