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3 years 4th
(37 papers)

19 (IV) LWEV 4:1

2018

LAW OF EVIDENCE

Paper : 4:1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
1×10=10

- (a) Law of Evidence is a branch of _____ . (substantive law / adjective law)
- (b) The Indian Evidence Act is divided into _____ principal parts. (three / five)
- (c) The provisions of the Evidence Act _____ applicable to proceedings before Tribunal. (is / is not)
- (d) Doctrine of *Res Gestae* is found in _____ of the Indian Evidence Act. (sec 6 / sec 10)

Contd.

- (e) Any admission made in ignorance of law or under duress _____ bind the maker of admission. (can / cannot)
- (f) Motive, preparation and conduct are _____ under section 8 of the Evidence Act. (relevant / irrelevant)
- (g) The murmuring of 'A' all alone by himself that he has killed 'B' _____ to confession. (amounts / does not amount)
- (h) According to _____, the contents of a document must be proved by producing the original in the court. (section 64 / section 65)
- (i) _____ is rule of legal procedure. (Estoppel / *Res-judicata*)
- (j) In the Evidence Act a new _____ was added to provide for proof of digital signatures. (section 67-A / section 73-A)
2. Write short notes on : $2 \times 5 = 10$
- (a) Fact in issue
- (b) Primary Evidence
- (c) Retracted Confession
- (d) Privileged Communication
- (e) Accomplice.

3. What is meant by *res gestae* ? State the provisions of Indian Evidence Act relating to *res gestae*. $4+8=12$

Or

"All relevant facts are not admissible and all admissible facts need not be relevant." Discuss the difference between "relevancy" and "admissibility" under the Indian Evidence Act. 12

4. What is Confession ? Discuss the evidentiary value of confession with the help of decided cases. $4+8=12$

Or

Who is an expert ? In what situations are opinion of experts admissible in evidence ?

5. What is Oral evidence ? "Hearsay evidence is no evidence". Are there exceptions to this rule ? Explain. $4+8=12$

Or

Define Document. Discuss the relevant provision of law relating to proving of a document by secondary evidence. $4+8=12$

6. Discuss the procedure for impeaching the credit of a witness in relation to his former statement. Can a party impeach his own witness ? $8+4=12$

Or

Explain and illustrate the following :

6+6=12

- (a) There can be no estoppel against a statute.
- (b) Mere silence does not amount to estoppel.

7. What is the order of examination of witness in court? What types of question can be asked to a witness during cross-examination?

4+8=12

Or

Explain :

6+6=12

- (a) Provision of law relating to disclosure of confidential communication between a party and his legal advisor.
- (b) Can a witness refrain from answering a relevant question on the ground that the answer will incriminate himself?