

Total number of printed pages-4

19 (IV) LWIV 4-1

2019

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) The Indian Evidence Act came into force on the _____ (1st September, 1872/ 2nd April, 1872)

(b) The present Evidence Act is based entirely on the _____ (English Law of Evidence/American Law of Evidence)

(c) The Indian Evidence Act is _____ in court-martial. (applicable/not applicable)

(d) Court can take judicial notice of _____ (all laws/law of the land only)

Contd.

(e) The Principle of English Laws is admissible subject to _____ exceptions. (three/four)

(f) Admission in pleading stand on a _____ than evidentiary admission. (lower footing/higher footing)

(g) The rule of practice is that the court _____ uncorroborated testimony of an accomplice as unworthy of credit (shall consider/is not bound to consider).

(h) The contents of electronic records may be proved in accordance with the provision of _____ of the Evidence Act (section 65A/65B).

(i) Doctrine of *Res gestae* is found in the _____ of the Indian Evidence Act (section 6 section 10).

(j) The question is whether a horse sold by A to B is sound. A says to B-“Go and ask C, C knows all about it?” C’s comment is _____ (an admission/not an admission).

2. Write short notes on : $2 \times 5 = 10$

(a) Direct evidence

(b) *Res gestae*

(c) Conclusive proof

(d) Extra-judicial confession

(e) Conclusive proof.

3. What are the main features of the Indian Evidence Act, 1872? Write also the nature and purpose of Law of Evidence in civil and criminal law. $6+6=12$

Or

Define “Evidence”. What are the kinds of evidence under the Indian Evidence Act, 1872? $4+8=12$

4. “Facts 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. 12

Or

What is retracted confession? What are the grounds for rejecting an extra-judicial confession? $4+8=12$

5. What is dying declaration? Discuss the evidentiary value of dying declaration under the Evidence Act, 1872. $4+8=12$

Or

What is relevancy of judgement? State the circumstances under which the opinion of third person become relevant. $5+7=12$

6. What is Estoppel? State its different types and how does it defer from *Res judicata*. $2+5+5=12$

Or

What is burden of proof? On whom burden of proof lies and under what circumstances it is shifted? $2+6+4=12$

7. Who is competent to be a witness? Discuss the law relating to competency of witness. Is a child below seven years of age competent to be a witness? $2+6+4=12$

Or

Write short notes on: $4 \times 3 = 12$

- (a) Evidence of accomplice
- (b) Privileged communications
- (c) Dumb witness.