

Total number of printed pages—4

21(8) LWEV 8-2

2018

LAW OF EVIDENCE

Paper : 8-2

Full Marks : 80

Time : Three hours

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

Answer all questions.

1. Fill in the blanks with appropriate answer or indicate whether the statement is true **or** false : 1×10=10
 - (a) An affidavit _____. (cannot be used as an evidence / can be used as an evidence if specifically permitted by law)
 - (b) Judgment pronounced in a matrimonial suit is a _____. (judgment in personam / judgement in rem)

Contd.

- (c) A sues B for Rs. 10,000 and shows entries in his account books showing B to be matched to this amount. The entry is _____. (relevant / sufficient to prove the debt due from B)
- (d) Contents of a document can be proved by oral evidence under certain circumstances. (True/False)
- (e) A client says to B, an attorney— "I wish to obtain possession of the property by the use of a forged deed on which I request you to sue". This communication is _____. (protected from disclosure / not protected from disclosure) under section 126.
- (f) Evidence to clarify ambiguous document is prohibited by section 93 of the Act. (True / False)
- (g) "An accomplice shall be a competent witness" — is declared by section 132. (True / False)
- (h) Section 102 of the Act _____ deals with burden of proof in the sense of establishing a case / deals with onus of proof in the sense of introducing evidence)
- (i) There can be estoppel against law or statute or sovereign acts in interest of public policy. (True / False)

- (j) According to section 52, in civil cases character to prove conduct imputed is _____. (relevant / irrelevant)

2. Answer the following : 2×5=10

- (a) What is *res gestae* ?
- (b) What is corroborative evidence ?
- (c) What is retracted confession ?
- (d) What is direct evidence ?
- (e) Who is a hostile witness ?

3. Define "Evidence". What are the different kinds of evidence under the Evidence Act, 1872 ? Also discuss in brief the applicability of Evidence Act, 1872 on electronic record. 8+4=12

OR

What is presumption ? Analyse with relevant provisions of the Evidence Act, 1872 the different types of presumptions. 4+8=12

4. What is admission ? By whom admission can be made ? State the difference between admission and confession. 2+4+6=12

OR

"Relevancy and admissibility are not co-extensive forms"— Explain clearly with suitable examples. 12

5. Explain when the opinion of experts is relevant. Cite suitable case laws also.

12

OR

Explain the relevancy of character in civil and criminal proceedings.

12

6. "Hearsay Evidence is no evidence"— Are there any exception to this rule?

12

OR

Explain the principle of Estoppel. State its different types and how does it differ from *Res judicata*.

2+6+4=12

7. Explain the rules pertaining to examination and cross-examination of witnesses as provided under the Evidence Act, 1872.

12

OR

Write short notes on :

4×3=12

- (a) Privileged Communications
- (b) Evidence of accomplice
- (c) Hostile witnessess.