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19 (IV) LWEV

2021

**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 answers :  
1×10=10

(i) The Indian Evidence Act is in the spirit drawn on the lines of \_\_\_\_\_ law of evidence. (Irish/ English)

(ii) The Indian Evidence Act does not apply to \_\_\_\_\_.  
(Court-martial/ proceeding before arbitrator )

(iii) Evidence must be given of \_\_\_\_\_ facts. (relevant/ admitted)

Contd.

(iv) The man has a certain reputation is \_\_\_\_\_ as per the definition of fact. (a fact / not a fact)

(v) The principle under which facts so connected as to form part of the same transaction in a relevant fact is called \_\_\_\_\_. (Res Ipsa Loquitor/ Res Gestae)

(vi) Burden of proving death of person known to be alive within \_\_\_\_\_ years is on the person who affirms it. (seven/ thirty)

(vii) Section \_\_\_\_\_ of the Indian Evidence Act provides for presumption in case of dowry death. (113B/ 304B)

(viii) A child below seven years of age is a \_\_\_\_\_ witness. (competent/ incompetent)

(ix) In criminal cases, previous good character is \_\_\_\_\_. (relevant/ irrelevant)

(x) Document of the sovereign authority is a \_\_\_\_\_ document. (public/ private)

2. Write short notes on the following :  $2 \times 5 = 10$
- (a) Proof of *Alibi*
  - (b) Appreciation of evidence
  - (c) Admission
  - (d) Opinion of Expert
  - (e) Public Document.
3. Which facts are required to be proved before the Court ? Explain the features of adversarial and inquisitorial system of justice.

4+8=12

**OR**

“The Preamble shows that the Indian Evidence Act is not merely a fragmentary enactment, but a consolidatory one.” — Explain. Explain “proved”, “disproved” and “not proved” facts.

4+8=12

4. What do you mean by conspiracy ? Explain the scope of application of section 10 of the Indian Evidence Act, 1872.

2+10=12

**OR**

“A witness may lie but not the circumstances.” — Explain the phrase in the light of recent Supreme Court cases.

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5. Whether an FIR can be a dying declaration. What are the principles governing dying declaration ?

4+8=12

**OR**

What do you understand by judgment *in rem*? Does a judgment on compromise fall within the definition of judgment *in rem* and can there be a bar on the subsequent suit based on such judgment? 4+8=12

6. Define hearsay evidence. Explain with case laws the rationale behind exclusion of hearsay evidence. 2+10=12

**OR**

What is presumption as to gazettes in electronic form? Explain the circumstances under which the court shall presume that the secure electronic record has not been altered since the specific point of time. 4+8=12

7. Briefly explain the principle of estoppel by negligence and estoppel by attestation. Explain with case laws, if a compromise decree might create an estoppel by conduct between the parties. 6+6=12

**OR**

Explain briefly if an accused is a competent witness. Explain the circumstances under which a public officer is compelled to disclose communication made to him in official confidence. 4+8=12