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21 (8) LWEV 8·2

2021

LAW OF EVIDENCE

Paper : 8·2

Full Marks : 80

Time : Three hours

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

1. Choose the correct option : $1 \times 10 = 10$
- (a) _____ drafted the Bill for the Indian Evidence Act, 1872.
(Lord Macaulay/ Sir James F. Stephen)
- (b) The word evidence has been derived from the word _____ which means to clear to make evident. (evidere/witness)
- (c) “The Law of Evidence can be defined as a system of rules ascertaining controverted question of fact in judicial inquiries. It bears the same relation to judicial investigation as logic to reasoning.” This definition was given by _____.
(Chief Justice Monir/ Sir James F. Stephen)

Contd.

- (d) An affidavit _____ be used as evidence if specially permitted by law.
(can/ cannot)
- (e) The Indian Evidence Act came into force on _____, 1872.
(1st September/ 2nd April)
- (f) Court can take judicial notice of _____.
(all laws/ law of land only)
- (g) The Evidence Act, 1872 is a _____.
(substantive law/ procedural law)
- (h) The Law of Evidence is _____.
(lex fori/ lex loci)
- (i) The Evidence Act has _____.
(Retrospective effect/ Prospective effect)
- (j) The Principle of English Law is admissible subject to _____ exceptions.
(three/ four)

2. Write on the following : 2×5=10

- (a) Conclusive Proof
- (b) Hostile witness
- (c) Judicial proceedings
- (d) Dumb witness
- (e) Proved, Disproved, Not proved.

3. “The rules of evidence are in general the same in civil and criminal proceedings”—Explain the statement and point out the differences between evidence in civil and criminal proceedings. 12

OR

Define evidence. What are the main features of the Indian Evidence Act, 1872 ? 12

4. “Relevance and admissibility are not co-extensive terms.” Explain the statement with suitable examples. 12

OR

Hearsay evidence is no evidence. Explain with exceptions, if any, by referring to leading cases. 12

5. Explain the term “dying declaration”. What are the modes of recording a dying declaration and its value in evidence ? 12

OR

What is retracted confession ? Can a person be convicted on retracted confession ? Justify your answer with suitable illustration. 12

6. Who is competent to be a witness ? Discuss with the case laws relating to competency of witness under Evidence Act, 1872. Is a child below 7 years of age competent to be witness ? 12

OR

What are the stages in examination of a witness ? What questions can be asked in cross-examination ? 12

7. “Proof beyond reasonable doubt does not mean proof beyond shadow of doubt.” — Explain citing relevant case laws. 12

OR

“In the nature of things, a negative is more difficult to establish than an affirmative.” Elucidate the statement with reference to the rule relating to burden of proof. 12
