

UG 2nd Semester Examination- 2022

Full Marks: 80

Award: LLB(HONS)
 Discipline: LAW
 Course Type: CC-11
 Course Code: LLBHC205
 Course Name: Law of Evidence

Time: 4hrs.

I. Answer any ten questions**10X1=10**

1. The nature of The Law of Evidence is
 - a) Purely Substantive law
 - b) Civil law
 - c) Criminal law
 - d) Adjective law.
2. Indian Evidence Act is applicable as
 - a) Lex Loci
 - b) Lex Fori
 - c) both
 - d) none.
3. The Indian Evidence Act does not apply to which of the following-
 - a) Adjudication process
 - b) Court Martial
 - c) Cases before Tribunals
 - d) Cases in Family courts.
4. The facts which are not relevant otherwise, become relevant,
 - a) Such facts are not consistent with any fact-in-issue
 - b) Such facts in connection with any other facts make the existence of any fact-in-issue or relevant facts highly provable
 - c) Such facts in connection with any other facts make the non-existence of any fact in issue or relevant facts highly improbable,
 - d) All of the above.
5. Due execution of a document more than thirty years old coming from proper custody, is a
 - a) Presumption of fact,
 - b) Rebuttable presumption of law,
 - c) Irrebuttable presumption of law,
 - d) Presumption of fact and law both
6. A confession made by a conspirator involving other members is relevant against the conspirator jointly tried with him and is admissible
 - a) Under Section 8 of the Indian Evidence Act
 - b) Under Section 10 of Indian Evidence Act
 - c) Under Section 30 of Indian Evidence Act
 - d) Both b. and c
7. Documentary evidence is of which two kinds?
 - a) basic and primary

- b) primary and secondary
 - c) primary and elementary
 - d) None.
8. The shifting burden of proof is called
- a) Onus probandi
 - b) Onus ratio-dendi
 - c) both
 - d) none.
9. A person may become an accomplice if
- a) he is guilty of the same crime
 - b) if he is not a partner of the crime
 - c) if he does have knowledge of the commission of the crime
 - d) none.
10. Ithen case of wills, the period of thirty years shall run
- a) From the date of the will,
 - b) From the date of the death of the testator,
 - c) From the date of registration of the will, if registered,
 - d) Either (a) or (b)
11. Section 112 of the Evidence Act applies when there is a dispute regarding
- a) Maternity of a child
 - b) Paternity of a child
 - c) Both (a) and (b)
 - d) Either (a) or (b)
12. Section 91 of the Evidence Act applies to a.
- a) Transactions which under the law must be in writing
 - b) Transactions which are reduced to writing voluntarily
 - c) Both (a) and (b)
 - d) Only (a) and not (b)
13. If the husband has been alleged to have committed a crime the wife -
- a) may be a competent witness
 - b) may not be a competent witness
 - c) sometimes may be a competent witness
 - d) will never be a competent witness.
14. How many witnesses are essential in a proceeding?
- a) 10
 - b) 29
 - c) any number
 - d) witnesses are not essential.
15. The word relevancy as defined under sec 2 of the Indian Evidence Act means
- a) admissible
 - b) connected
 - c) not connected
 - d) none.
16. The relationship in Section 50 of the Evidence Act means
- a) Relations by blood only
 - b) Relationship by birth or marriage
 - c) Relationship by blood or marriage or adoption
 - d) Only (a) and not (b) and (c).

II. Answer any ten questions

1. What is resgestae fact?

10x2=20



2. What is meant by Plea of Alibi?
3. A fact stated by one of the conspirators will it be applicable to all the conspirators?
4. Briefly state the different forms of Evidence.
5. What are confessional statements?
6. Expert opinion on relationships, when becomes relevant?
7. What are „Cross Examination’ and „Re-Examination’?
8. A caricature is produced as evidence to prove a fact. Is this Evidence relevant and admissible?
9. What is the presumption of documents thirty years old?
10. „The right of the villagers of a particular village to use the water of a particular well is a general right.’ Explain the above statement with the provision under the Indian Evidence Act, 1872.
11. Is an oral admission made by the accused oral evidence within the meaning of Section 3 of the Indian Evidence Act, 1872?
12. What is judicial and Extra Judicial Confession?
13. What is a leading question?
14. Can indecent and scandalous questions be asked to a witness?
15. What is the evidentiary value of a child witness?
16. Can a new trial start for the rejection of evidence?

III Answer any six questions

6x5

1. “All confessions are admission but all admissions are not confession”-In the light of the statement explain what is confession? State the difference between admission and admissible.
2. Which facts may be proved in a trial or proceeding?
3. All facts are relevant under the Chapter of relevancy in the Indian Evidence Act- Justify.
4. What is hearsay evidence? Is it admissible evidence or not?
5. Mention the cases in which secondary evidence may be given?
6. Write down the difference between Admissibility and Relevancy.
7. Oral evidence must be direct - Justify.
8. What is a burden of proof? On whom the burden of proof lies in a suit or proceeding? State the difference between sec 101 and sec 103 of the Indian Evidence Act?
9. What is estoppel? State the importance of estoppel under the Indian Evidence Act.
10. Differentiate between the evidence given by an accomplice and a co-accused and decide upon the evidentiary value of each of them.

IV. Answer any two questions

2x10=20

1. Explain briefly the law of presumptions contained in Section 79 to 90 of the Indian Evidence Act, 1872
2. What is a dying declaration? State the evidentiary value of a dying declaration.
3. When a witness is cross-examined, what other questions can be asked in addition to the questions relating to the incident?
4. State how a document may be proved in a law court?
5. State the difference between fact and fact in issue. State the different kinds of fact
6. Who is competent witness? Examine the power of the court under Section 165 of the Evidence Act, 1872.

