

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Law of Evidence CC:LLBL121

Semester: VI

Programme: B.A.LL.B.(H) – Energy Law; B.Com. LL.B.(H)-Taxation Law; B.A.LL.B.(H)- CLL

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A (Attempt Any 5)

S. No.		Marks	CO
Q 1	Define Document	2	1
Q.2	Define Secondary Evidence	2	1
Q. 3	Define Dumb witness	2	3
Q. 4	Explain Judge's Power to put questions or order production	2	1
Q. 5	What Facts admitted need not be proved	2	3
Q. 6	What are the precautions which must be taken for tape-recorded conversation before admitting it in evidence?	2	4
Q. 7	What is real or material evidence? Answer in the light of the provisions of the Evidence Act, 1872.	2	3

SECTION B (Attempt Any 2)

Q. 8	Explain the law relating to the competency of witnesses. Cite suitable case laws in your answer.	10	3
Q. 9	What is meant by the burden of proof? Discuss the law relating to burden of proof	10	4
Q. 10	Discuss the law relating to the exclusion of oral by documentary evidence giving suitable case laws.	10	3

SECTION-C (Attempt Any 2)

Q. 11	Generally, in practice the courts in applications for transfer of the civil case, stay of execution or for extension of time under section 5 of the Limitation Act requires an affidavit in proof of the point asserted. So even though the Evidence Act categorically does not apply to the affidavit, proving a fact by an affidavit is not barred. Comment with the help of relevant legal provisions and case laws.	10	2
Q. 12	“When there is enough evidence to reject the exculpatory part of the accused's confession, the Court may rely on the inculpatory part”. Comment with the help of relevant legal provisions and case laws.	10	3
Q. 13	News in the newspaper stated that those industrialists who will open their units in Kandoli will be exempted from corporate income tax for a period of 5 years. Guddu,	10	2

	who wanted to set up a jute industry applied to the director of Industries as well as to Chief Secretary of the state and both confirmed the availability of the exemption. Guddu proceeded with his plan. However, the State Govt. withdrew its policy of exemption. Guddu seeks estoppel against State's withdrawal of its promise. Provide legal advice to Guddu		
SECTION-D (All Questions Are Compulsory)			
Q. 14	A, an accused of an offence of murder states before a police officer that "the knife by which I have killed B has been hidden by me in thatch, which I can show". On this information, the police officer discovered the said knife from thatch on which human blood is detected. Is the whole statement given by the accused admissible in evidence? If not, what part/parts are admissible in evidence? Give reasons.	15	3
Q. 15	Lawrence is charged with arson. The allegation is that he burned down his golf store because he was losing money. He could not compete with the golfing giant that had opened a large store nearby. It was estimated that the fire started around 10:00 pm. The fire examiner's office could not determine the cause of the fire. Lawrence's defense is that the cause was accidental. In his statement to the police taken over a thirty-minute period the day after the fire, he told the investigating detective that he remembered smoking a cigar that night as he was reviewing his books and it must not have been put out. He went home that night shortly before 10:00 pm. He vehemently denied starting the fire. The statement was taken by one officer and there were no breaks during the interrogation. The statement was videotaped. Lawrence does not have a criminal record. Please provide answers to the following questions that have arisen during the trial. The Prosecution wants to lead evidence that Lawrence owes over Rs. 100,000 in debts in relation to his golf store. The defense objects to this evidence on the basis that the issue is who set the fire not Lawrence's ability to manage his finances. How will the prosecution respond?	15	2
Q. 16	In this case, the deceased (decd.) wife Anita passed away after sustaining severe burn injuries on her body. Charges were framed against the husband and his parents; however, the parents were acquitted as there was no prima facie case that could be made against the parents. After the incident, the wife was first taken to a village hospital where the medical official noted a history of accidental burns as Anita stated that she suffered burns due to the flames of the earthen pot, totally contradicting her claims in the subsequent declarations made to the ASI, Naib-Tehsildar and her father. The wife later stated in her dying declaration that after marriage, initially she was treated well by the husband's family. But after the birth of their youngest son, the husband started doubting her chastity and would often beat her up. On one such occasion when the husband was beating her, she cried loudly because of which her husband poured kerosene oil on her, set her ablaze and then locked the door from outside and went away. It was the parents who, along with one neighbor, came inside and help put out the fire and upon arrival of the husband after some time, took the deceased wife Anita to a nearby rural hospital. Decide the case with proper reasoning and supporting case laws.	20	4

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SECTION A (Attempt Any 5)

S. No.		Marks	CO
Q 1	Differentiate between disproved and not proved.	2	3
Q. 2	Define Admission	2	1
Q. 3	Explain when opinion on the relationship is relevant?	2	2
Q. 4	Explain relevancy of previous bad character in criminal cases.	2	3
Q. 5	Privileged Communication	2	1
Q. 6	Explain the meaning of Plea of Alibi.	2	3
Q. 7	Under which section of Evidence Act, 1872 a presumption can be raised for abetment of suicide by a married woman and under what circumstances?	2	4

SECTION B (Attempt Any 2)

Q.8	Explain the law relating to the examination of witnesses giving suitable case laws.	10	4
Q. 9	What are the leading questions? When can they be asked? Give suitable case laws and examples.	10	1
Q. 10	An accomplice is untrustworthy of credit unless corroborated in material particulars. Explain with relevant case and provisions.	10	4

SECTION-C (Attempt Any 2)

Q 11	<i>“Labour court or tribunal has to decide the case between the parties on the evidence adduced before it. While it may not be bound by the rules prescribed in the evidence act it is nonetheless a quasi-judicial tribunal proceedings. Justice, equity and good conscience will infirm its adjudication”</i> Discuss the applicability of the Indian Evidence Act, 1872 in the light of the above statement/observation made by the Supreme Court.	10	2
Q. 12	<i>“it is desirable that a test identification parade should be conducted as soon as possible after the arrest of the accused. This becomes necessary to eliminate the possibility of the accused being shown to the witnesses prior to the test identification parade”.</i> Discuss the relevancy of test Identification parade in light of the above statement.	10	4

Q. 13	Christian Bale obtained a mark-sheet from Rajasthan Board, showing that he had passed in biology, physics, and chemistry with good marks. Christian Bale, as a matter of fact, had never opted or appeared for biology. However, he remained silent and sought admission in 1 st year of MBBS course at Darbhanga, Medical College. When he had to appear for his first-semester examination at the medical college, Rajasthan Board realized its error and served a notice to Christian Bale for wrong mark-sheet and because of this reason Darbhanga, Medical College canceled his admission. Christian Bale comes to you for using Estoppel against the Medical College. In your opinion will he succeed or not	10	3
SECTION-D (All Questions Are Compulsory)			
Q.14	Devidayal, a photographer, used to keep handy photo developing material which is quick poison. On the fateful day, he was ill and asked the wife to give him his medicine. The medicine happened to be kept beside the photographic developer and the wife mistakenly gives the developer to the husband and as a result, he dies. The wife, scared, with the help of a friend, packed the body in a trunk and disposed it off in the pond. Ramdulari, the wife, is now on trial for the murder of her husband. The husband's decomposed body has been recovered from a pond. Ramdulari confesses everything before the court. Decide the case with the help of relevant case laws and sections in the light of relevancy under Indian Evidence Act.	15	2
Q. 15	Chitwan was facing some financial constraints and to overcome the difficulty he borrowed huge some of the money from his friend Babloo. They used to go to races together. One night, after attending the races, Babloo came back to his hotel and died soon after midnight under circumstances which raised a suspicion that he had been poisoned. Decide with the help of relevant provisions and case laws relating to the relevancy of fact under the Indian Evidence Act.	15	2
Q. 16	On the day of occurrence, the witness X heard the cries of Abha and on rushing out saw her lying engulfed in flames in her house. X along with Abha's husband Sanjay put out the flames. She was taken to a nearby hospital at 9.15 P.M and the police was informed about the accident. At 11.35 P.M the duty doctor certified that Abha was fit enough to make a statement. In the statement recorded by the Duty Doctor, Abha said that Sanjay poured kerosene oil on her and set fire to her. At 2.40 P.M she again told her father and brother that Sanjay had set fire to her. She died at 8 A.M. on the same day. Can Sanjay be convicted for the murder of Abha solely on the basis of the above declarations? Decide with the help of relevant case laws and sections	20	3