

Name:	 UPES <small>UNIVERSITY WITH A PURPOSE</small>
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, May 2021

Course: Law of Evidence **Semester: IV**
Program: **Time: 03 hrs.**

BA LL.B (Hons.) (EL/ Cr.L/ LL/ Co.L)

BBA LL.B (Hons.) (CL/ ITIL / BFIT)

B. Com. LL.B (Hons.) (TL/M&EL/ LC&SP)

B. Sc. LL.B. (Hons.) (Intellectual Property Rights/Food, Health and Environment Law / Medical and Forensic Law)

Course Code: CLCC 2008

Max. Marks: 100

Instructions:

SECTION A

1. Each Question will carry 5 Marks.

S. No.	Type the answer		CO
Q 1	Write a note on Test Identification Parade.	5	CO1
Q 2	Discuss Oral and documentary evidence.	5	CO1
Q 3	Explain Examination in chief and Cross Examination.	5	CO1
Q 4	Discuss the Admissibility of 'Plea of Alibi'.	5	CO1
Q 5	Explain Leading Questions.	5	CO1
Q 6	Explain conditions when Secondary Evidence may be provided.	5	CO1

SECTION B

1. Each Question will carry 10 Marks.

2. Scan and Upload

Q 7	Critically analyze the evidentiary value of a statement made by accused against himself & the co-accused." Explain.	10	CO2
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Q 8	What do you understand by burden of proof? On whom does the burden of proof lies? Also highlight the difference between ‘burden of proof’ and ‘onus of proof’?	10	CO2
Q 9	Discuss the provisions of law, under which the following fact is relevant : X is accused of receiving stolen property knowing it to be stolen. He offers to prove that he refused to sell it below their value.	10	CO2
Q 10	X and Y are the joint owners of a plot of land. A claims right of way over this plot. X makes a statement agreeing with A, about his claim. Is this statement binding on Y? Give reasons and relevant provisions of law.	10	CO2
Q 11	“Confessions are a sensitive piece of evidence and must be considered cautiously by the Court only after ensuring their voluntariness”. Comment on the above mentioned statement in light of the provisions of Indian Evidence Act, 1872.	10	CO3
SECTION-C			
<p>1. Question carries 20 Marks. 2. Scan and Upload</p>			
Q 12	<p>Ruchi works in a call center where she has to work in odd hours. She reaches the office around 10.00pm every night and gets back home around 6.00am in the morning. Her office has arranged for transport service so that she and other employees like her can be safely picked up and dropped back. On 1st March 2020 she received a call at around 3.30 am from her home that her mother is seriously ill. Though the transport service would have taken her back around 5.30 am, Ruchi decided to leave at once and borrowed a two-wheeler from a friend for the same purpose. On her way back on the roads which were mostly lonely, she was confronted by a gang of drunk hooligans who beat her up severely and ravished her in their car and then threw her off on the road. Her colleagues spotted her when they were getting back from office in the company car around 5.50am. They were horrified at the scene of a bleeding Ruchi lying helplessly on the road. They picked her up and took her to the nearest hospital. Some of her colleagues suggested that Ruchi must first go to the police station but Ruchi did not want to register a complaint fearing a protracted legal proceedings which would put her to public humiliation. She mentioned the identity of one of the perpetrators to her colleague friends as Rajesh who works in the office opposite to the call center. In the hospital, Ruchi breathed her last around 6.00pm the same evening. Enraged at the whole event, couple of her friends informed the police of the incident pursuant to which Rajesh was apprehended and sent for trial.</p> <p>Under which provisions of the Indian Evidence Act, the statements made by Ruchi to her colleagues in the may be relevant? Use provisions and case-laws in support of your response. (15 marks)</p>	20	CO4

	Whether the statements made by Ruchi to her colleagues in the car will be relevant under section 8? <p style="text-align: right;">(5 marks)</p>		