

Name:			
Enrolment No:			
<b>UPES</b>  <b>End Semester Examination, December 2024</b>			
<b>Course: The Bhartiya Sakshya Adhiniyam,2023</b> <b>Semester: III</b> <b>Program: LL.B 3 year</b> <b>Course Code: CLCC2045</b>		<b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		<b>Marks</b>	<b>CO</b>
Q 1	Define Character under BSA,2023.	2	CO1
Q 2	Define Evidence U/BSA,2023.	2	CO1
Q 3	What is a Test Identification Parade? Which provision U/BSA,2023 talks about it.	2	CO1
Q 4	What is a public document according to BSA,2023?	2	CO1
Q 5	What is S-105 u/BSA,2023? Give one illustration of the same.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Discuss the opinion as to handwriting and signature when relevant U/BSA,2023 and substantiate with relevant illustration.	5	CO2
Q 7	Discuss the concept of Estoppel u/BSA,2023. Substantiate with illustration.	5	CO2
Q 8	Differntiate between 1. Oral Evidence and Documentary Evidence U/BSA,2023. 2. Relevancy and Admissibility U/BSA,2023	5	CO2
Q 9	Discuss the concept of Confession U/BSA,2023. Cite relevant provisions.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			

Q 10	Analyze the concept of examination of witness under the Bhartiya Sakshya Adhinyam,2023. Write relevant provisions and illustrate the same accordingly.	10	CO3
Q 11	Analyze the principle of primary evidence as the Rule of best evidence and delineate the conditions under which secondary evidence concerning a document can be admitted in court. Cite relevant provisions within The Bhartiya Sakshya Adhinyam, 2023.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>Vikrant is accused of murdering his neighbor, Sanaya, who was found stabbed in her home and died shortly after being admitted to the hospital. Before she passed away, Sanaya managed to utter a few sentences to the paramedics and the attending physician. She said, "Vikrant did this to me. He was angry about the property line dispute we've been having. He threatened me last week, saying he'd make me pay." At trial, the prosecution seeks to introduce Sanaya's statement as a dying declaration under the provisions of the Bhartiya Sakshya Adhinyam,2023. The defense objects, arguing that Sarah's statement should not be admitted as a dying declaration because she did not explicitly state that she believed she was about to die when she made the statement. The defense also contends that Sarah's statement is unreliable because she was under extreme stress and pain when she made the statement.</p> <p>Based on the above facts answer the following questions by applying the legal provisions with relevant case laws</p> <p>1)Does Sanaya's statement qualify as a dying declaration under the law of evidence? [10]</p> <p>2)Explain why or why not, referencing the requirements typically needed the statement to be considered a dying declaration with help of legal provisions and decided case laws. What precautions should be kept in mind while considering dying declaration? [15]</p>	25	CO4
Q 13	In the given situation, Mr. Rajesh Patel, a businessman, is charged with multiple counts of fraud involving the misrepresentation of financial	25	CO4

statements to obtain loans worth over ₹10 crores from several banks. The fraud came to light after an investigation revealed that Patel had falsified documents and inflated asset values to secure loans under false pretenses. His actions caused significant financial loss to the banks, affecting both their operations and the interests of their customers.

Mr. Patel, facing the prospect of a lengthy trial and a potential sentence of up to 10 years in prison, enters into negotiations with the prosecution. In return for a guilty plea to a lesser charge of “fraudulent misrepresentation” (which carries a maximum penalty of 3 years in prison), Mr. Patel agrees to pay restitution to the affected banks, provide detailed cooperation with authorities in prosecuting other individuals involved in the fraud scheme, and offer to return part of the stolen money. The prosecution, seeing the benefits of securing a conviction without a lengthy trial, agrees to the plea deal, and Mr. Patel pleads guilty to the lesser charge.

However, several victims of the fraud—affected businesses, employees, and customers—are unhappy with the plea bargain. They argue that the deal is too lenient given the magnitude of Mr. Patel's fraudulent activities and the damage caused. They feel that the restitution and cooperation are insufficient to compensate for their financial losses and that the deal undermines justice by allowing Patel to avoid a harsher sentence.

The case raises questions about the fairness and transparency of plea bargaining, and the potential impact of such deals on the victims of crime.

**Questions:**

1. **Analyze the advantages and disadvantages of plea bargaining** from the perspective of both the prosecution and the defendant. How does plea bargaining benefit each party, and what potential drawbacks exist?[10]
2. **Plea bargaining impact the victims** of crime, especially in high-stakes cases like fraud, where the financial harm can be significant, Analyse. Should the victims have a say in the plea

	deal? Why or why not? Do use the reference of facts mentioned above.[15]		
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