

2012
LL.B., Fifth Semester
Paper – I: Law of Evidence

Time allowed: 3 Hours

Max. Marks: 80

NOTE: Attempt five questions in all, including Question No. 1 (Unit-I) which is compulsory and selecting one question each from Unit II-V. Attempt each part of Question No. 1 in 1-2 pages and from Question No. 2- 9 in 5-6 pages.

x-x-x

Unit – I

1 Answer the following:

- a) The word 'Conduct' in Section 8 of the Indian Evidence Act, 1872 does not include statements, unless those statements accompany and explain acts other than statements. Explain
- b) Under which provision of the Indian Evidence Act, 1872, the decision of a Civil Court may bind a Criminal Court to the extent of civil aspects only in a criminal case and the decision can be produced as a relevant fact?
- c) What is the difference between Section 64 and Section 91 of the evidence act?
- d) State the provisions of evidence law under which the facts are admissible but not relevant? 5×4

Unit - II

- 2 (a) "Statement of a co-conspirator is admissible against the conspirators." Explain. 5
(b) A was a customs officer and B the agent working for importer X & Co. at the custom House. B made false entries in his daybook, to have some goods passed without paying full duty. These entries, and counterfoil of his chequebook showing that money was paid to A were tendered in evidence by the prosecution in a trial of A and B for the offence of conspiracy. Discuss relevancy of both these documents under Section 10 of Indian Evidence Act. 10
- 3 (a) A is on his trial for the murder of C There is evidence to show that C was murdered by A and B and that B said – "A and I murdered C". Whether the statement by B may be taken into consideration by the Court against A? 5
(b) An FIR recorded on the basis of statements of the accused cannot be admitted in evidence to the extent to which it is a confession. 10

Unit - III

- 4 (a) What is the relevancy of certain judgments in probate, etc. jurisdiction? 10
(b) A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies. Can B prove a decree in favour of C, in a suit by A against C for a trespass on the same land in which C alleged the existence of the same right of way? 5

P.T.O.

(2)

5 Under what circumstances the statements by person who cannot be called as witnesses are relevant in suits? 15

Unit IV

6. If one of two or more attesting witnesses of a document, required by law to be attested, is called and he denied execution, is it permissible to prove execution by other evidence without calling the other attesting witnesses who are available? Give reasons. 15

7. "In determining the admissibility of evidence, the production of best evidence should be exacted." Discuss 15

Unit – V

8. (a) Should the party asserting the existence of the facts prove their existence or should the party denying the existence of facts prove their non-existence? Explain 6

(b) What are the specific rules of burden of proof? 9

9. In what manner the witnesses can unfold their knowledge to the court? 15

x-x-x