


Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Course: Law of Evidence **Course Code:** LLBL121 **Semester:** IX

Programme: B.Tech Computer Science + LLB Cyber Law (2014-20), B.Tech LL.B ET + IPR (2014-2020)

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A (Attempt any five)

S. No.		Marks	CO
Q 1	Explain the concept of “Without Prejudice” communication.	2	CO1
Q2	Define Evidence	2	CO1
Q3	What do you mean by plea of alibi?	2	CO2
Q4	Explain rule of ‘res gestate’ also mention provisions of Indian Evidence Act that embody this rule.	2	CO2
Q5	Define examination, cross-examination and re-examination.	2	CO3
Q6	Differentiate between ‘may presume’, ‘shall presume’ and ‘conclusive proof’.	2	CO1

SECTION B

Q 7	Who is a hostile witness? Explain how and when the credit of a witness can be impeached by the party who calls him?	10	CO3
Q8	“Only self-harming admissions can be proved.” Explain and also state the exceptions of the rule.	10	CO4

SECTION-C (Attempt any two)

Q 9	Explain the concept of Dying Declaration.	5	CO4
		5	

	Sita made a statement to the police officer alleging that she was raped by Ram and also severely injured. After sometime Sita commits suicide. Decide whether Sita's statement is admissible as evidence if yes then state under what provisions.		
Q10	Explain the concept of privileged communication. Rahul wrote letters to Anjali her wife complaining and bad-mouthing her father Mr. Bajaj. Mr. Bajaj found the letters and filed a defamation suit against Rahul. Whether Mr. Bajaj can use the letters as evidence against Rahul? Decide in light of privilege communication.	10	CO4
Q11	Explain the provisions regarding admissibility of electronic evidence. Whether the requirement of certificate under Section 65-B is indispensable for admissibility of electronic evidence. State in the light of recent judicial pronouncements.	10	CO2
SECTION-D			
Q12	Raju tried for murder of Pappu. Raju tells the police officer that "I have buried the knife with which I committed the murder of "Pappu". He shows the place where knife was buried. Knife was taken out. Whether the statement "with which I committed murder of Pappu" is admissible? Discuss in the light of relevant provisions and caselaws.	20	CO2
Q13	State and explain whether oral evidence can be given in following circumstances: (i) An estate called "the Rampur tea estate" is sold by a deed which contains a map of the property sold. Oral evidence given of the fact that land not included in the map had always been regarded as part of the estate and always meant to pass by the deed. (ii) A agrees, in writing, to sell a horse to B for "Rs 1000, or Rs 1500". Oral evidence given to show which price was to be given. (iii) A enters into a contract with B by committing fraud on B. Oral evidence given by B to prove the fraud committed by A. (iv) A hires lodgings of B, and gives B a card on which is written- "Rooms, Rs 200 a Month". Evidence given to prove that these terms were to include partial board.	4*5 =20	CO2
Q14	"That Accomplice evidence should be backed by corroboration is not a rule of law but a rule of prudence." Critically analyse the given statement in the right of provisions of Sections 133 read with 114 illus(b) of the Indian Evidence Act, 1872 and relevant case laws.	10	CO3

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SECTION A

S. No.		Marks	CO
Q 1	Explain any five of the following: a. Public Document b. Rule of res gestae c. Promissory estoppel d. Burden of proof and onus of proof e. Fact in issue f. Contradiction and corroboration	5*2 =10	CO1

SECTION B (Attempt any two)

Q 2	a. Discuss provisions of Test Identification Parade and also discuss its evidentiary value? b. State the provision of presumption of guilt in case of dowry death.	2*5 =10	CO1
Q3.	What are Secondary evidences? State the circumstances under which court can allow secondary evidences.	10	CO2
Q4	“Contents of a written contract, grant or disposition must be proved by the document itself.” Explain and also state the circumstances where a subsequent variation can be proved by oral evidence.	10	CO2

SECTION-C

Q 5	When can a confession alleged to have been made by an accused, who is jointly tried with another accused be taken into consideration by the court as against the other accused? Explain the principle upon which the law is based. A and B both together killed C. B made a confession that he and A together killed C. Before the confession could be proved against B he committed suicide whether the confession of B be proved against A. Decide.	10	CO4
Q6	Critically analyse the evidentiary value of: a. Retracted extra-judicial confession b. Testimony of an accomplice c. Opinion of an expert witness	10	CO4

SECTION-D (Attempt all questions)

Q7	Meera was walking on a busy road when a man on bike snatched her gold chain. Since the biker was covering his face Meera could not see his face. But immediately	25	CO4
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	<p>went to the nearest police station and lodged an FIR. Later in the day police arrested a 20 year old boy Raja from the same locality where the chain was snatched. Raja confessed to the police that he has snatched the gold chain and later sold to a goldsmith named Mr. Soni for Rs. 50,000. The police recovered the gold-chain from Mr.Soni. The chain was later identified by Meera to be her stolen chain. During the Trial Raja stated that he was compelled to make a confession whereas in reality he has committed no such offence and has been merely falsely implicated by the police. Appreciate the evidence and decide in the light of relevant provisions and decided case laws whether Raja shall be convicted on the basis of available evidence.</p>		
Q8	<p>What are leading questions? State under what circumstances they can be asked and under what circumstances they should not be asked. The lawyer asks a witness during chief examination that- “you have a very busy professional life isn’t that true?” The lawyer of the opposite party objects to the question it be being a leading question. Decide the objection.</p>	15	CO3
Q9	<p>You are an attorney and Vijay Mallya comes to you for filing a case. He says, “I wish to obtain possession of property by use of a forged deed on which I request you to sue.” Is this communication protected from disclosure?</p>	10	CO4