

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2022

Course: Law of Evidence

Semester: VII

Program: : B.Tech Computer Science+ LL.B (HONS.) Cyber Law 2019

Time: 03 hrs.

Course Code: CLCC2008

Max. Marks: 100

Instructions:

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	Attempt all the questions	Marks	CO
Q1	Which of the following Sections are relevant to relevancy? a. 4,14,44 b. 5,15,45 c. 6,16,46 d. All the above	2	CO1
Q2	What is meaning of 'Disproved' and 'Not proved' in the Evidence Act?	2	CO1
Q3	What is the leading question ?	2	CO1
Q4	What is the meaning of burden of proof?	2	C01
Q5	What do you understand by Hostile Witness?	2	C01
SECTION B			
	Attempt all the questions		
Q6	What is 'admission' in the evidence? How is it different from confession?	5	CO2
Q7	What do you understand by 'privileged communication'?	5	CO2
Q8	What is the difference between primary and secondary evidence?	5	CO2
Q9	Explain the following terms "May Presume", "Shall Presume" and "Conclusive Proof".	5	C02
SECTION-C			
	Attempt all the questions		
Q10	The Supreme Court of India in <i>Dayal Singh v. State of Uttaranchal</i> AIR 2012 SC 3046 observed that " the expert witness is expected to put before the court the all materials which induced him to come to the conclusion and enlighten the court on technical aspect of the case by examining the terms of science, so that the court, although not an expert, may form its own judgement on those materials after giving due regard to the expert's opinion". In the light of this judgement specify who is an expert according to the evidence Act, 1872? What value is attached to his opinion in the eye of law? Give at least two examples/case laws.	10	C03

Q11	<p>“Once there is sufficient material to reasonable believe that there was concert and connection between persons charged with a common design, it is immaterial whether they were strangers to each other, or ignorant of actual role of each of them or they did not perform any one or more of such acts by joint efforts. It is not necessary that all should have joined in the scheme from the first; those who come in at later stage are equally guilty, provided the agreement is proved.” Analyze the above statement and decide.</p>	10	C03
SECTION-D			
	Attempt all the questions		
Q12	<p>Desmon, Jackson and Tom were three classmates and were staying in a rented accommodation. On a day they had serious arguments on some trivial matter. Both Desmon and Jackson attacked Tom with sticks lying in store. Tom and his girlfriend Nancy fell down and were bleeding when some neighbors took them to hospital in an unconscious state. Upon being informed the local police reached hospital. Before Tom succumbed to his injuries his statement was recorded by the Investigating Officer though he was still under anesthesia and there was no certificate of medical fitness also. Meanwhile the Magistrate recorded the statement of Nancy thinking that she too might succumb to injury, but she survived.</p> <ol style="list-style-type: none"> a. Critically analyze the statements given by Tom and if it can be used as evidence under Section 32 of Evidence Act? (10 marks) b. In the given problem apply the other provisions of law applicable in the given situation with apt case laws. (10 Marks) c. Is it permissible to use this as substantive evidence? If so, then on what basis (5 Marks). 	25	C04
Q13	<p>Stigma is accused of murdering his friend Sanjay. Stigma, who was missing since the death of Sanjay is alleged to have telephoned the police, in a repentant mood after consuming some liquor from a hotel nearby city, confessing his crime. The police acting with elasticity had traced the call and arrested Stigma. The prosecution wants to prove based on the confession. Police recovers the murdering weapon and certain letters written in the writing of Stigma’s girlfriend to Sanjay.</p> <ol style="list-style-type: none"> a. Can the prosecution move with such confession? If so, elaborate. (15 Marks) b. Decide in the light of given circumstances as to what impact do the letters written by Stigma’s girlfriend to Sanjay may have? (10 Marks) 	25	C04