Name:

Enrolment No:



UPES

End Semester Examination, May 2024

Course: Law of Evidence

Semester: IV

Program: BA LL. B (Hons.), B.Com. LL. B (Hons.), BBA. LL. B (Hons.)

Time: 03 hrs.

Course Code: CLCC2008 Max. Marks: 100

Instructions: Attempt all the questions

SECTION A (5Qx2M=10Marks)

| S. No. | Write short notes/Define | Marks | |
|--------|--------------------------|-------|-----|
| Q1 | Leading questions | 2 | CO1 |
| Q2 | Relevancy of facts | 2 | CO1 |
| Q3 | Res Gestae | 2 | CO1 |
| Q4 | Refreshing Memory | 2 | CO1 |
| Q5 | Number of witnesses | 2 | CO1 |

SECTION B (4Qx5M= 20 Marks)

| Q6 | Explain the distinct roles and procedures involved in "examination in chief," "cross-examination," and "re-examination" within the context of legal proceedings. | 5 | CO2 |
|------------|--|---|-----|
| Q7 | Describe eligibility criteria for individuals to testify in court and explore whether a person who is unable to speak (dumb) can give testimony, including legal justifications and references to applicable laws. | 5 | CO2 |
| Q8 | Explain provisions relating to 'Hostile Witness'. Cite the relevant provisions of the Evidence Act, of 1872. | 5 | CO2 |
| Q 9 | Explain the given statement "Hearsay evidence is not admissible" | 5 | CO2 |
| | SECTION-C | | |
| | (20v10M-20 Monks) | | |

(2Qx10M=20 Marks)

| Q10 | 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, with specific reference to the relevant provisions within The Indian Evidence Act of 1872. | 10 | CO3 |
|-----|---|----|-----|

| Q11 | Analyze the concept of the burden of Proof and the rules relating to it with relevant legal provisions | 10 | CO3 |
|------|---|----|-----|
| | SECTION-D (2Qx25M=50 Marks) | | |
| Q 12 | 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 Indian Evidence Act, of 1872. The defence 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 defence also contends that Sarah's statement is unreliable because she was under extreme stress and pain when she made the statement. | | CO4 |
| | Based on the above facts answer the following questions by applying the legal provisions with relevant case laws- 1)Does Sanaya's statement qualify as a dying declaration under the law of evidence? | 10 | |
| | 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 | |
| Q 13 | The accused 'A' is charged with murder it was alleged that he killed his neighbour along with his wife and two kids. The FIR reporting the murder was filed by the accused himself at the nearby police station where he gave certain self-incriminating statements, which lead to the discovery of the bodies, murder weapon as well as blood stained cloth from his house. However, there was no eye-witness. The only piece of evidence against 'A' was the FIR that allegedly contained the whole confession of guilt of 'A'. The lower court held that the incriminatory statements in the FIR are admissible as the confessions and convicted him for murder. The High Court also confirmed the conviction. The appeal is preferred against the decision of the High Court. | | CO4 |

| Considering the facts cited above, answer the following questions by applying legal provisions with relevant case laws- | | |
|---|---------------|--|
| a. Explain the evidentiary value of the incriminatory statement in the form of an FIR.b. What kind of confessions are barred?c. When does a confession become relevant? | 5 10 10 | |