

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, May 2020

Course: Law of Evidence	Semester: VII
Program: B. Tech Computer Science and Engineering with LL.B (Hons.) (Cyber Law / Intellectual Property Rights)-2017	
Course Code: CLCC2008	Time 03 hrs.
	Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks
2. Instruction: Answer in brief.

S. No.	Question	CO
Q 1	Distinguish between admissions and confessions.	CO2
Q2	Explain patent ambiguity and latent ambiguity.	CO2
Q3	Write short note Test Identification Parade.	CO1
Q4	Who is a competent witness?	CO1
Q5	Explain the terms burden of proof, onus of proof and standard of proof in brief.	CO1
Q6	State circumstances in which secondary evidence is admissible.	CO2

SECTION B

1. Each question will carry 10 marks
2. Instruction: Write short / brief notes

Q 7	Discuss admissibility of electronic evidence in light of recent judgment of Arjun Panditrao Khotkar v. Kailash Kishanrao Gorantyal.	CO4

Q 8	Discuss the rule of exclusion of oral evidence by documentary evidence. State the exceptions when oral evidence may be given to prove alteration, change or modification in a proved written document.	CO2
Q 9	Indian legal system is an adversarial system with undertones of inquisitorial system. Explain.	CO4
Q 10	“Presumptions may be looked on as the bats of the law, flitting in twilight but disappearing in sunshine of actual facts.” Explain while discussing in brief the different kinds of presumptions recognized by the Indian Evidence Act.	CO3
Q 11	Whether a magistrate can permit a party to cross-examine his own witness? If so, state the circumstances.	CO2

Section C

- 1. Each Question carries 20 Marks.**
- 2. Instruction: Write long answer.**

Q12	<p>a. Two sisters were murdered at the same time. The younger one had died immediately while the elder one was alive when the other people arrived. She told them how the accused had killed her younger sister but before she could narrate about her own self she died. Discuss the validity of her dying declaration.</p> <p style="text-align: center;">OR</p> <p>b. A was severely beaten. His dying declaration was recorded by a magistrate, in which he implicated X and Y. A survived due to medical treatment. X and Y are prosecuted for attempt to commit murder of A. During the trial the aforesaid dying declaration was sought to be given in evidence by prosecution in support of its case. The defense oppose on the ground that the declarant was not dead and the alleged dying declaration did not point towards any cause for assault of the declarant therefore it was irrelevant. Decide</p>	CO3
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