

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

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

<b>Course:</b> Law of Evidence	<b>Semester: IX</b>
<b>Program:</b> B. Tech Computer Science and Engineering with LL.B (Hons.) (Cyber Law) & B. Tech Energy Technology with LL.B (Hons.) in Intellectual Property Rights-2016	<b>Time 03 hrs.</b>
<b>Course Code:</b> LLBL121	<b>Max. Marks: 100</b>

**SECTION A**

1. Each Question will carry 5 Marks
2. Instruction: Complete the statement / Select the correct answer(s)

S. No.	Question	CO
Q 1	Explain stages of examination in chief, cross-examination and re-examination.	CO1
Q2	Who is a hostile witness?	CO2
Q3	What is Test Identification Parade.	CO1
Q4	Explain concept of privileged communication. State different kinds of privileged communication.	CO2
Q5	Define Estoppel and state its different kinds.	CO1
Q6	Write short note on res gestae evidence along with suitable examples.	CO1

**SECTION B**

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

Q 7	A confession contains both exculpatory and inculpatory parts. Can such a confessional statement be segregated so as to believe it in parts. Refer to case laws.	CO3
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Q 8	Rita married Vikram on 1 <sup>st</sup> January, 2018. Soon after, Rita also started having an adulterous relationship with Roshan. On 1 <sup>st</sup> June, 2019, Vikram divorced Rita under Section 13(1)(i) of the Hindu Marriage Act; A child was born to Rita on 1 <sup>st</sup> January 2020. It is an established fact Roshan had access to Rita throughout the period of her marriage and also thereafter. Is the child a legitimate child in terms of Section 112 of Indian Evidence Act? Also discuss in light of judicial pronouncements whether in given circumstances Vikram can claim DNA test of the child to establish that he is not the biological father of the child.	CO3
Q 9	A is tried for murder of X. Evidence shows that X was actually murdered by A and B, and that B said, “A and I murdered X”. Is B’s confession admissible in evidence against A? Discuss with reasons.	CO2
Q 10	Discuss admissibility of electronic evidence in light of recent judgements.	CO3
Q 11	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
<b>Section C</b>		
<p><b>1. Each Question carries 20 Marks.</b></p> <p><b>2. Instruction: Write long answer.</b></p>		
Q12	<p>Ruchi works in a call centre where she has to work in odd hours. She reaches the office around 10.00pm every night and gets back home around 6.00am in the morning. Her office has arranged for transport service so that she and other employees like her can be safely picked up and dropped back. On 1<sup>st</sup> March 2020 she received a call at around 3.30 am from her home that her mother is seriously ill. Though the transport service would have taken her back around 5.30 am, Ruchi decided to leave at once and borrowed a two-wheeler from a friend for the same purpose. On her way back on the roads which were mostly lonely, she was confronted by a gang of drunk hooligans who beat her up severely and ravished her in their car and then threw her off on the road.</p> <p>Her colleagues spotted her when they were getting back from office in the company car around 5.50am. They were horrified at the scene of a bleeding Ruchi lying helplessly on the road. They picked her up and took her to the nearest hospital. Some of her colleagues suggested that Ruchi must first go to the police station but Ruchi did not want to register a complaint fearing a protracted legal proceedings which would put her to public humiliation. She mentioned the identity of one of the perpetrators as Rajesh who works in the office opposite to the call centre. In the hospital, Ruchi breathed her last around 6.00pm the same evening. Enraged at the whole event, couple of her friends informed the police of the incident pursuant to which Rajesh was apprehended and sent for trial.</p> <p>(i) Under which provisions of the Indian Evidence Act, the statements made by Ruchi to her colleagues in the car may be relevant?</p> <p>(ii) Under which provision of the Indian Evidence Act, the statements made by Ruchi to her colleagues in the car will not be relevant?</p>	CO4