


Name: Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, May 2023			
Course: Law of Evidence Program: BBA, LL.B. (Hons.), B.com, LL.B. (Hons.), B.A. LL.B. (Hons.) Course Code: CLCC2008		Semester: IV Time: 03 hrs. Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	The Best Evidence Rule is contained in Section: A. Section 59, IEA B. Section 60, IEA C. Section 62, IEA D. Section 64, IEA E. Section 65, IEA	2	CO1
Q 2	‘Presumption as to Aliveness’ under Indian Evidence Act is contained in: A. Section 106 B. Section 107 C. Section 108 D. Section 110 E. None of the Above	2	CO1
Q 3	The Onus of Proof remains constant, and Burden of Proof keeps on shifting from one party to another. A) True B) False	2	CO1

Q 4	Which of the following sections contains law relating to privileged communications between Lawyer and Client: A) Section 121, Indian Evidence Act, 1872 B) Section 124, Indian Evidence Act, 1872 C) Section 126, Indian Evidence Act, 1872 D) Section 120, Indian Evidence Act, 1872	2	CO1
Q 5	Which of the following are ways to impeach the credibility of a witness: A. By calling a witness as to character of such witness. B. By asking questions as to whether he has been bribed or not. C. By confronting him with his previous inconsistent statements in writing. D. Only (B) and (C). E. (A), (B), (C) only.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Write a short note on the Examination in Chief, Cross Examination and Re -examination'. Cite the relevant legal provision.	5	CO2
Q 7	Write a short note on 'Persons who are competent to testify? Can a dumb person testify in Court? Give reasons and cite the relevant provisions of law.	5	CO2
Q 8	Write a short note on 'Plea of Alibi'. Cite the relevant provision and illustrations.	5	CO2
Q 9	Write a short note on the 'Hostile Witness'. Cite the relevant provisions of Evidence Act, 1872.	5	CO2

SECTION-C
(2Qx10M=20 Marks)

Q 10	<p>“The Best Evidence Rule under Indian Evidence Act, 1872 requires the party to prove the contents of a document by primary evidence and only under certain specified circumstances/cases mentioned under the Act such contents can be proved by Secondary Evidence.”</p> <p>In the light of the statement critically elaborate on the law relating to proof of contents of document. Also elaborate on the circumstances under which secondary evidence to prove such contents can be admitted. Discuss citing relevant legal provisions and appropriate case laws.</p>	10	CO4
Q 11	<p>“The Rationale behind making certain statements of facts admissible as res gestae is on account of spontaneity and immediacy of such statement as it relates to the fact in issue or a relevant fact.”</p> <p>In the light of the statement elaborate on the law of res gestae discussing the test of admissibility of statements as res gestae. Discuss in the light of statutory provisions and case laws. (Max. 500 Words.)</p>	10	CO4

SECTION-D
(2Qx25M=50 Marks)

Q 12	<p>A husband was charged for the murder of his wife. He was arrested and he made a statement in the police custody to the following effect:</p> <p>“I have stabbed my wife with a knife as my wife was unchaste. I have thrown the knife in the drain at the back of my house. I can show you if you come with me.”</p> <p>The investigation officer proceeded to the spot along with the accused and recovered the knife in the presence of independent witnesses.</p>	25	CO3
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	<p>A. Discuss, in the light of the decided cases, whether such statement shall be admissible as a Confession of such accused. Elaborate with adequate reasons and support your answer with relevant statutory provisions and case laws. (15 Marks)</p> <p>B. Is there any possibility of this statement, either whole or in part, being considered as admissible under the Indian Evidence Act, 1872. Discuss in detail the relevancy and admissibility of this statement in the light of statutory law and judicial pronouncements. (10 Marks)</p>		
Q 13	<p>X, a whistle blower wrote a letter to his superior officer indicating that he feels danger to his life at the hands of Oil Mafia on 1-2-2023.</p> <p>On 5-02-2023, X was found wounded near a petrol station; while taking to the hospital he mentioned names of A, B and C known mafia dealers and he succumbed to his injuries and died in the hospital.</p> <p>In a trial against A, B and C for murder, whether the letter written by X would be relevant under as dying declaration or not. Give appropriate reasons for your answer. Also cite relevant provision of the Indian Evidence Act, 1872 and relevant case laws to substantiate your answer.</p>	25	CO3