


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2025</b> <b>Course: Bhartiya Sakshya Adhinyam 2023</b> <b>Semester: IV</b> <b>Program: BALLB/BBALLB/B.ComLLB</b> <b>Time : 03 hrs.</b> <b>Course Code: CLCC2045</b> <span style="float: right;"><b>Max. Marks: 100</b></span>			
<b>Instructions: All questions are compulsory. Write legal provisions wherever necessary.</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		<b>Marks</b>	<b>CO</b>
Q 1	What is estoppel under BSA,2023.	2	<b>CO1</b>
Q 2	What is official communication under BSA,2023.	2	<b>CO1</b>
Q 3	Whether judges and magistrates may testify, elaborate.	2	<b>CO1</b>
Q 4	When may leading questions be asked?	2	<b>CO1</b>
Q 5	What is the concept of refreshing memory under BSA,2023?	2	<b>CO1</b>
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Explain the concept of Res Gestae. Use relevant Case Laws and Illustrations to substantiate the answer.	5	<b>CO2</b>
Q 7	When Facts bearing on question whether act was accidental or intentional relevant. Explain.	5	<b>CO2</b>
Q 8	Explain the concept of Admission and how is it different from Confession?	5	<b>CO2</b>
Q 9	Explain the concept of a Dumb witness and discuss the nature of its testimony.	5	<b>CO2</b>
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	“In the Indian Evidence Act the burden of Proof is used in two different senses. The first sense is as to Burden of proving all the facts or establishing one’s case, and the second sense is as to the burden of	<b>10</b>	<b>CO3</b>

	adducing evidence at the beginning or at any stage of the case.” Elaborate on the statement and discuss the rules relating to burden of proof and onus of proof in the light of relevant legal provisions and case laws. On whom the burden of proof lies to prove general or special exceptions (defences)? Cite the relevant provisions of law.		
Q 11	An expert is not a witness of fact. His evidence is really of an advisory character. In the light of the statement, examine the provision relating to expert evidence under section 23 of BSA,2023.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>Anjali, a 28-year-old woman, was found in her apartment with multiple stab wounds. She was discovered by her neighbor and rushed to the hospital, where doctors noted her condition as "extremely critical but conscious and oriented." Before being taken for emergency surgery, Anjali made a video-recorded statement to a magistrate in the presence of a doctor, stating:</p> <p><i>"It was my husband, Rajat. We had a terrible argument about my decision to file for divorce. He threatened me, and when I refused to withdraw the case, he stabbed me. I don't think I'm going to survive this time. Please make sure he doesn't get away with this."</i></p> <p>Anjali survived the surgery initially but died two days later due to internal bleeding complications.</p> <p>At trial, Rajat's defense challenges the admissibility of the statement under Section 26(a) of the BSA, arguing that: Anjali was not under the immediate apprehension of death at the time the declaration was made, since she survived the surgery and even spoke to her family afterward; The statement shows emotional distress, suggesting a motive to falsely implicate the accused; The presence of a doctor and a magistrate does not automatically guarantee the declaration's truthfulness or admissibility under the law.</p> <p>The prosecution argues that the declaration was voluntarily given, made with full mental awareness, and qualifies as a valid dying declaration, especially considering Anjali's own expression of fear that she would not survive.</p>		

	<p>Considering the facts, answer the following questions with the help of legal provisions and case laws:</p> <ol style="list-style-type: none"> <li>1. Critically examine whether Anjali’s statement qualifies as a valid dying declaration under Section 26(a) of the BSA.</li> <li>2. Evaluate the legal significance of the declarant’s anticipation of death and how it impacts admissibility of a dying declaration.</li> <li>3. Discuss the evidentiary value of such a statement in a case where the declarant survives temporarily and dies later due to complications.</li> </ol>		
Q13	<p>On the night of 15th January 2024, a robbery took place at the residence of Mr. Ramesh, a retired government officer in Lucknow. The robbers stole valuable jewellery and ₹10 lakhs in cash. Mr. Ramesh and his wife were tied up but were able to get a fleeting look at one of the robbers when his mask slipped during the scuffle.</p> <p>The police arrested Ravi, a 28-year-old mechanic with a prior record, based on a tip-off from an anonymous source. He was arrested on 20th January 2024, and a test identification parade (TIP) was arranged on 25th January 2024. During the TIP, Mr. Ramesh identified Ravi as the person whose mask had slipped.</p> <p>During the trial, Ravi’s defence was that he was in Kanpur at the time of the robbery attending his cousin’s wedding. He produced train tickets, wedding photos, and a testimony from his cousin to support his plea of alibi.</p> <p><b>The prosecution argues that:</b></p> <ul style="list-style-type: none"> <li>• The TIP identification was credible, and</li> <li>• Ravi had no solid proof of being in Kanpur at the exact time of the crime, as the train ticket only shows he left in the morning, and there’s no timestamp on the wedding photos.</li> </ul> <p><b>The defence argues that:</b></p> <ul style="list-style-type: none"> <li>• The TIP was conducted after Ravi's photo was shown to Mr. Ramesh, compromising the fairness of the identification.</li> <li>• The alibi is corroborated by independent evidence and casts reasonable doubt.</li> </ul> <p>Considering the facts, answer the following questions with the help of legal provisions and case laws:</p>		

	<p>a. Is the TIP admissible and credible under the BSA, 2023? Discuss the role of a TIP in a trial.</p> <p>b. How does the plea of alibi work under Section 9 of the BSA, 2023? Is Ravi's evidence sufficient?</p>		
--	--	--	--