

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018

Course: Law of Evidence

Course Code: LLBL 121

Semester: V

Programme: BBA LLB-ITIL/ BBA-LL.B. CL

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A (Attempt Any Five Questions)

S. No.		Marks	CO
Q 1	How you can impeach the credit of a witness?	2	CO3
Q.2	Whether Child witness is a competent witness or not? Explain	2	CO3
Q.3	Explain the scope of sec. 123 of Evidence Act, 1872 along with relevant case law.	2	CO2
Q.4	Differentiate between public and private documents.	2	CO1
Q.5	Explain the meaning of Plea of Alibi.	2	CO1
Q.6	Under which section of Evidence Act, 1872 a presumption can be raised for abetment of suicide by a married woman and under what circumstances?	2	CO3

SECTION B (Attempt Any Two Questions)

Q .7	Who is an "Expert" according to Evidence Act, 1872? Is the opinion given by him is binding on the court or not? Explain with the relevant case laws.	10	CO1
Q.8	When can the court say that the witness has turned hostile? Is the evidence given by such a witness still relevant and admissible? Explain with help of decided cases.	10	CO3
Q.9	"Test Identification Parade is an essential ingredient of evidence act". How and when it should be done? Also, explain the evidentiary value of the TIP. Explain with the help of relevant provision and case laws.	10	CO3

SECTION-C (Attempt Any Two Questions)

Q .10	What do you mean by electronic evidence defined under the Evidence Act, 1872? Explain whether they are admissible as a primary or secondary evidence. What is the procedure adopted by the parties to submit the electronic evidence in the court?	10	CO2
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Q.11	<p>A. What are the circumstances when oral evidence can be given regarding documentary evidence? Discuss with reference to the provisions of Evidence Act. (5 marks)</p> <p>B. Under what circumstances is the secondary evidence of a document admissible? Discuss (5marks)</p>	10	CO2
Q.12	<p>Is the previous bad character of an accused is a relevant fact? If no, in what cases it becomes relevant? Explain with the help of relevant legal provisions and case laws.</p>	10	CO2
SECTION-D (All Questions are compulsory)			
Q.13	<p>A. Mr. Shivang communicated to his wife Ms. Prem Lata the whole episode as to how he misappropriated the money from the Halloween Party and obtained neckless for her. Five years later, Mr. Shivang and Ms. Prem Lata separated as their marriage was declared void by the court. Ms. Prem Lata married Mr. Shivansh. Two years later, in a case of possession of assets disproportionate to the income, Shivang was prosecuted. Can Prem Lata be produced as a witness against Mr. Shivang? (5 Marks)</p> <p>B. A communication between a lawyer and his client is privileged subject to certain condition. Explain with help of relevant provision and illustrations. (5 Marks)</p>	10	CO4
Q.14	<p>A. The Supreme Court in Aghnoo Negesia vs. State of Bihar, AIR 1966 SC, 119 has observed “Sec. 27 is in the form of a proviso, and partially lifts the ban imposed by sec. 24, 25, 26.” Elaborate the observation by explaining the provisions mentioned therein along with relevant cases. (10 Marks)</p> <p>B. Tanushree Dutta, a young actress, had been speaking to her parents and other relatives and also writing to them expressing danger to her life. And all this time she has mentioned Alok Nath’s name in the communication. She lost her life 3 months after. Are such items can be called as dying declaration? Explain with the help of decided cases. What is the dying declaration? Can it be accepted without corroboration? (10 Marks)</p>	20	CO4
Q.15	<p>A news in the newspaper stated that those industrialists who will open their units in Donga will be exempted from corporate income tax for a period of 5 years. Pappu, who wanted to set up a jute industry applied to the director of Industries as well as to Chief Secretary of the state and both confirmed the availability of the exemption.</p>	20	CO4

	<p>Pappu proceeded with his plan. However, the State Govt. withdrew its policy of exemption. Pappu seeks estoppel against State's withdrawal of its promise. Provide legal advice to Pappu. (20 Marks)</p>		
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SECTION-C (Attempt Any Two Questions)

Q.10	Salman Khan is a sub-inspector in Bihar Police and took Vivek Oberoi under his custody for committing rape and murder. Upon interrogation, Mr. Vivek made following statements, which were duly recorded by Mr. Salman, “I will take you to the place where I raped and murdered the woman on 14 th February.” Mr. Vivek then led Mr. Salman to a place and pointed out at a Hut. How much of the statement of Mr. Vivek can be used in evidence? What inference the court would draw from the statement and the consequent recovery? (10 marks)	10	CO4
Q.11	A. When is a witness said to have turned hostile? Is the evidence given by such a witness still relevant and admissible? (5 marks) B. What do you understand by leading questions in the examination of the witness and when the parties are allowed to ask leading questions? (5 marks)	10	CO3
Q.12	A. In a trial for dowry murder of A; the fact that on the night of the murder, police had received a distress telephonic call from A in which before abrupt disconnection she could only say: “Please help me, I fear immediate harm to myself”. Is the fact relevant? If relevant then under what section of Evidence Act, 1872. Elaborate with the help of relevant case laws (5 Marks) B. “All that is relevant may not be admissible but all that is admissible has to be relevant.” Elaborate the given statement and also mention exceptions to it, if any. (5 Marks)	10	CO2

SECTION-D (All Questions Are Compulsory)

Q.13	A is charged for an offence of murdering B. One of the evidence against A is a CCTV recording. Decide whether this evidence is admissible against A. State the provisions and specify whether it is compulsory to strictly comply with provisions of Section 65-B, IEA, 1872.	10	CO1
Q.14	A. Sean communicated to Catherine, his wife the whole episode as to how he misappropriated the money from the office and how he booked honeymoon package to New Zealand. Two years later, they were separated through a decree of divorce. Catherine is now married to Keanu Reeves. Income Tax authorities prosecuted Sean	20	CO3

	<p>for possession of assets disproportionate to his income. Can court ask Catherine to testify against Sean? Also, give exception to the rule if any. (10 marks)</p> <p>B. You are an attorney and Paris Hilton comes to you for filing a case. She says, “I wish to obtain a possession of the property by the use of a forged deed on which I request you to sue.” Is this communication protected from disclosure? (10 marks)</p>		
Q.15	<p>A. What is the basis of the rule of Estoppel? How is it different from Promissory Estoppel? (10 marks)</p> <p>B. Christian Bale obtained a mark-sheet from Rajasthan Board, showing that he had passed in biology, physics, and chemistry with good marks. Christian Bale, as a matter of fact, had never opted or appeared for biology. However, he remained silent and sought admission in 1st year of MBBS course at Darbhanga, Medical College. When he had to appear for his first-semester examination at the medical college, Rajasthan Board realized its error and served a notice to Christian Bale for wrong mark-sheet and because of this reason Darbhanga, Medical College canceled his admission. Christian Bale comes to you for using Estoppel against the Medical College. In your opinion will he succeed or not. (10 Marks)</p>	20	CO4