


Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Law of Evidence **Semester: IV**
Program: BA. LL.B. (HONS.) CRIMINAL/LABOUR LAW/CONSTITUTIONAL LAW 2017, BBA, LL.B. (Hons.) Corporate Laws 2017, BA. LL.B. (HONS.) CRIMINAL/LABOUR LAW/CONSTITUTIONAL LAW 2017, BA. LL.B. (HONS.) ENERGY LAWS 2017, BBA, LL.B. (Hons.) Banking, Insurance and Finance / International Trade and Investment Law 2017, B.COM. LLB. (Hons.) Taxation Laws 2017, BA. LL.B. (HONS.) ENERGY LAWS 2017
Course Code: CLCC 2008 **Time: 03 hrs.**
Max. Marks: 100

Instructions:

S. No.	Attempt all the questions	Marks	CO
Q 1	Choose the correct option		
Q1	Which of the following could be proved as dying declaration after the death of a person? a. FIR lodged by the person (deceased) b. Statement of the person (deceased) recorded under section 161 Crpc c. Statement of the person recorded by executive magistrate d. All of the above	2	CO1
Q2	Define Fact and Fact in issue.	2	CO1
Q3	Differentiate between oral and documentary evidence.	2	CO2
Q4	Newspaper report is aevidence a. hearsay b. circumstantial c. Primary d. secondary	2	CO1
Q5	Under Indian Evidence act statement of hostile witness is a. Is irrelevant b. Can be acted upon c. Cannot be acted upon d. Has no evidentiary value	2	CO2

SECTION B


	Attempt all the questions.		
Q6	Primary evidence is known as Rule of best evidence. Also, state the circumstances wherein secondary evidence relating to document can be produced in the Court. Cite relevant provisions given under The Indian Evidence Act, 1872.	10	CO2
Q7	Explain the principle of Res Gestae with the help of provisions given under the Indian Evidence Act	10	CO1

SECTION-C

	Attempt all the questions		
Q8	<p>What is burden of Proof and what are the rules relating to it. In the following cases on whom does the burden of proof lie and why?</p> <p>a) A sues B for land of which B has possession and which A asserts that land was left to A by the will of C,B's father</p> <p>b) A plea of Alibi taken by 'A' who is charged with murder.</p> <p>c) B is charged for the murder of A</p> <p>d) A wishes to prove by summary evidence, the contents of the lost document.</p>	10	C03
Q9	Who are competent witness? What is the order of the examination of witnesses?	10	C01

SECTION-D

	Attempt all the questions		
Q10	<p>On the day of occurrence, the witness X heard the cries of Abha and on rushing out saw her lying engulfed in flames in her house. X along with Abha's husband Sanjay put out the flames. She was taken to a nearby hospital at 9.15 P.M and the police was informed about the accident. At 11.35 P.M the duty doctor certified that Abha was fit enough to make a statement. In the statement recorded by the Duty Doctor, Abha said that Sanjay poured kerosene oil on her and set fire to her. At 2.40 P.M she again told her father and brother that Sanjay had set fire to her. She died at 8 A.M the same day. Can Sanjay be convicted for the murder of Abha solely on the basis of the above declarations? Decide.</p>	15	C03
Q11	<p>X goes to the police station and narrates the facts and circumstances in which he killed his girlfriend and her brother. The Police registered a case under Sec. 302, IPC against X and arrested him. The FIR has four distinct parts: (a) Particulars relating to his identity, address etc. (b) Particulars relating to motive and preparations (c) Particulars relating to the actual killing (d) Particulars relating to after killing conduct such as hiding the dead bodies, concealing the knife and his bloodstained clothes.</p> <p>Based on this information, the police recovered the dead bodies, knife and clothes. X is on trial and the FIR is the only evidence against him. Decide in the light of relevant case law.</p>	20	C04
Q12	<p>'A' agreed to supply 'B' with only one packet of explosive, enough for the purpose of blowing up a railway bridge. 'B' along with 'C' utilized the explosive for the purpose of blowing up the bridge but the attempt proved unsuccessful. 'B' sent a letter to 'A' describing the unsuccessful attempt to damage the bridge and asked for more explosives. The said letter, before it could reach 'A' was intercepted in the post and handed over to the prosecution. A,B,C were tried for the conspiracy to blow up the railway bridge. Whether the prosecution can be allowed to prove the letter to prove the charge of conspiracy?</p>	15	C04

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Time: 03 hrs.			
Course Code: CLCC2008		Max. Marks: 100	
Instructions:			
Attempt all the questions			
		Marks	CO
Q1	Define fact	2	CO1
Q2	Write short note on following a)Best Evidence Rule b)Disproved and Not proved	2	CO2
Q3	Who is a Hostile Witness?	2	CO1
Q4	What is the nature of Evidence law?	2	C02
Q5	Difference between Logical Relevancy and Legal Relevancy	2	C02
SECTION B			
Attempt all the questions			
Q6	Hon'ble Supreme Court has observed in various judgments that "dying declaration can be the sole basis of conviction subject to certain precautions". What are these precautions? Explain with the help of relevant provisions and decided judgements.	10	CO3
Q7	Hearsay evidence is not admissible. Explain. What are the exceptions to this general rule?	10	C04
SECTION-C			
Attempt all the questions			
Q8	Primary evidence is known as Rule of best evidence. Also, state the circumstances wherein secondary evidence relating to document can be produced in the Court. Cite relevant provisions given under The Indian Evidence Act, 1872.	10	C03
Q9	A, an accused of an offence of murder state before a police officer that "the knife by which I have killed B has been hidden by me in thatch, which I can show". On this information, the police officer discovered the said knife from thatch on which human	10	C04

blood is detected. Is the whole statement given by the accused admissible in evidence? If not, what part/parts are admissible in evidence? Give reasons.

SECTION-D

Attempt all the questions

Q10

In this case, the deceased (decd.) wife Anita passed away after sustaining severe burn injuries on her body. Charges were framed against the husband and his parents; however, the parents were acquitted, as there was no prima facie case that could be made against the parents. After the incident, the wife was first taken to a village hospital where the medical official noted a history of accidental burns as Anita stated that she suffered burns due to the flames of the earthen pot, totally contradicting her claims in the subsequent declarations made to the ASI, Naib-Tehsildar and her father. The wife later stated in her dying declarations that after marriage; initially she was treated well by the husband's family. But after the birth of their youngest son, the husband started doubting her chastity and would often beat her up. On one such occasion when the husband was beating her, she cried loudly because of which her husband poured kerosene oil on her, set her ablaze and then locked the door from outside and went away. It was the parents who, along with one neighbor, came inside and help put out the fire and upon arrival of the husband after some time, took the deceased wife Anita to a nearby rural hospital. Decide the case with proper reasoning and supporting case laws.

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C04

Q11

Lawrence is charged with arson. The allegation is that he burned down his golf store because he was losing money. He could not compete with the golfing giant that had opened a large store nearby. It was estimated that the fire started around 10:00 pm. The fire examiner's office could not determine the cause of the fire. Lawrence's defense is that the cause was accidental. In his statement to the police taken over a thirty-minute period the day after the fire, he told the investigating detective that he remembered smoking a cigar that night as he was reviewing his books and it must not have been put out. He went home that night shortly before 10:00 pm. He vehemently denied starting the fire. The statement was taken by one officer and there were no breaks during the interrogation. The statement was videotaped. Lawrence does not have a criminal record. Please provide answers to the following questions that have arisen during the trial. The Prosecution wants to lead evidence that Lawrence owes over Rs. 100,000 in debts in relation to his golf store. The defense objects to this evidence on the basis that the issue is who set the fire not Lawrence's ability to manage his finances. How will the prosecution respond?

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C04