

HONS. 05 / 017 / 19

**B.A., LL.B. (Hons.) DEGREE FIFTH SEMESTER EXAMINATION,
NOVEMBER 2019**

LAW OF EVIDENCE

Time: 3 Hours

Maximum Marks:50

I. (Write notes on ANY FOUR of the following. Each question carries FOUR marks)

1. Conclusive Proof
2. Proper Custody
3. Child witness
4. Presumption as to paternity of a child
5. Best evidence rule
6. Principle of estoppel

II. (Answer ANY TWO of the following. Each question carries SEVEN marks)

1. 'X' while returning from a party got involved in a scuffle with 'Y' which eventually led to the latter's death. 'X' narrated the incident to his wife and confessed his guilt. 'A' who is 'X's neighbor overheard this conversation. A's testimony is recorded in the murder case. X contends it to be inadmissible as it is covered by the privilege of matrimonial communication. Decide.
2. 'A' and 'B' execute a written agreement under which 'A' agrees to sell specified quantity of indigo to 'B' on a specified price. The price, according to the agreement had to be paid on delivery. Can 'A' adduce evidence of subsequent oral agreement between them extending the time for payment?
3. X' has filed a suit against 'Y' for recovery of one lakh rupees which Y had allegedly borrowed. Y admits the liability, but disputes the amount to be only 50,000/-. Oral evidence is sought to be adduced regarding the negotiations of an out of court settlement they had prior to filing of the suit. In the negotiations, Y had admitted his liability to be of

rupees one lakh and both X and Y had agreed to settle the matter by paying Rs.50000/. But the payment was not made by Y and the suit was filed by X for recovery of money. Is the admission of B made during the out of court settlement admissible?

III. (Answer ANY TWO of the following. Each question carries TEN marks)

1. What are the circumstances under which 'opinion of third persons' become relevant under the Indian Evidence Act? What is the evidentiary value of 'expert opinion'?
2. What is meant by 'burden of proof'? Discuss the principles governing the burden of proof I cases where the accused pleads the 'defense of insanity' with the help of decided cases.
3. Define documentary evidence. What are the circumstances under which secondary evidence is admissible?