

B.A. LL.B (Hons.) DEGREE FIFTH SEMESTER EXAMINATION, NOVEMBER 2024

LAW OF EVIDENCE

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE of the following. Each question carries TEN marks(5x 10 = 50)

- I. How similar is the concept of res gestae to “facts forming part of the same transaction” as provided under Section 6 of the Indian Evidence Act / Section 4 of the Bharathiya Sakshya Adhiniyam?
- II. How relevant are admissions under evidence law in India? Elaborate on the rules regarding admissions.
- III. Is oral evidence always excluded by documentary evidence? Are there exceptions to exclusion of oral by documentary evidence?
- IV. “Though burden of proof remains primarily constant, onus may shift from party to party”. Explain.
- V. “Cross examination, though an effective and dangerous weapon in the hands of a lawyer, is subject to some prohibitions and limitations”. How true is this statement?
- VI. Elaborate on the principle of estoppel under evidence law..
- VII. Write short notes on **ANY TWO** of the following:
 - (a) Presumption of legitimacy of children.
 - (b) Proof of execution of documents.
 - (c) Admissibility of and presumptions regarding electronic evidence.
- VIII. A, accused of murder, makes a confession before the judicial magistrate, wherein he states that both he and B were involved in the attack on and murder of C and that the murder weapon, a machete, was hidden inside B’s car. After investigation and recovery of the weapon from B’s car, which B claimed to have no knowledge about, charges were framed against A and B and they stood trial. While A was being examined in court, he modifies his original statement to the magistrate stating that only B was involved in the murder of C and that A was only a witness to the incident, present at the scene along with B and C, but unable to do anything about the attack by B on C. The prosecution wants to rely on A’s statement to the magistrate to be used against atleast B for securing his conviction. B wants the statement given to the magistrate to be discarded entirely because A retracted his earlier statement. Decide.
