

LAW OF EVIDENCE

Time: 3 Hours

Maximum Marks: 50

(Answer ALL questions. ALL question carries TEN marks)

(5 x 10 = 50)

I. The fact that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or summoned persons to give false evidence respecting it, relevant. Explain the relevancy of motive, preparation and previous or subsequent conduct under the Indian Evidence Act, 1872.

OR

II. Explain the doctrine of Res Gestae. When does relevancy of facts form part of the same transaction?

III. "Indian Evidence Act does not require that an admission be of statements that are against the interests of the maker. All that is necessary is that the statement should suggest some inference as to a fact in issue or relevant to the issue, even if the inference is in the interest of the maker of the statement. Self serving prior statements are also admissions." Discuss the relevancy of Admissions under the Indian Evidence Act, 1872.

OR

IV. According to the English law a "dying declaration" means the statement of a person who has died explaining the circumstances of his death and is relevant only when the charge is that of murder or manslaughter. As laid down in R vs Mead (1824) 2 B. & C 605: 107 E.R. 509 (K.B.). Analyse the relevancy of the statement of a person who is dead or cannot be found under the Indian Law.

V. The best evidence regarding the contents of the document is the document itself. By virtue of Section 92 of the Indian Evidence Act, 1872 it is not possible to bring forth oral evidence to contradict or to vary or to add or subtract from, the terms reduced in writing. However this rule comes with exceptions. Discuss.

OR

VI. Analyse the difference between primary and secondary evidence in connection with admissibility of documentary evidence.

VII. "Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts, which he asserts, must prove that those facts exist." Discuss in detail the concept of burden of proof under the Indian Evidence Act, 1872.

OR

VIII. Critically examine the presumption as to dowry death under the Indian Evidence Act, 1872.

IX. There are certain matters which a witness cannot either be compelled to disclose or even if the witness is willing to disclose, he will not be permitted to do so. Discuss in detail the principle of privileged communications under the Indian Evidence Act, 1872.

OR

X. Under the Indian Evidence Act, 1872, how competent is an accomplice to testify against an accused?
