

4. Write short note with reference to judgments on following :—
(i) Presumption of fact and presumption of Law [15 marks]

16. (b) Write short notes on any four of the following : 5 marks
(i) Hearsay evidence.

2. (a) The Rules of evidence are in general the same in Civil and Criminal proceedings, give the exception, if any. 10 marks

Q.5(3). What is “Plea of alibi”? Describe nature and extension of its burden of proving. Explain effect of its failure on the case of Prosecution.

4. Write short note with reference to judgments on following :—
(iv) Res-gestae 15

2. (b) 'A' after learning that 'C' had been murdered went to the spot and found that the body of 'C' was being taken to the house of 'C' by four persons who told him that 'B' had murdered 'C' and ran away. Does the statement of four persons form part of res gestae ? 10

1. (a) What do you understand by relevancy of fact and how you will distinguish or correlate the relevancy of fact with the admissibility of evidence? Which fact can be relevant and inadmissible and vice versa. Give illustrations with particular reference to case law? 15

Write short notes on any three of following:— 15

- (i) Dying declaration 5
- (ii) Retracted Extra-judicial confession 5
- (iii) Expert evidence 5
- (iv) Evidentiary value of Sniffer Dog 5

Write short notes on any three of following:— 15

(iv) Evidentiary value of Sniffer Dog 5

1. Discuss the distinction of relevancy and admissibility of scientific techniques like Polygraph Test, Narco Analysis Test and DNA Test as applied to the cases involving laws of paternity as against criminal law with special reference to the ratio of the decision in the case of Selvi and others vs State of Karnataka, (2010) 7 SCC 263. [10]

1. Discuss the distinction of relevancy and admissibility of scientific techniques, like Polygraph Test, Narco Analysis Test and DNA Test as applied to the cases involving law of paternity as against criminal law , with special reference to the ratio of the decisions in the case of Bhabani Prasad Jena v. Convenor Secretary, Orissa State Commission for women and another, (2010) 8 SCC 633, Selvi and others v. State of Karnataka, (2010) 7 SCC 263 and the latest decision in the case of Dipanwita Roy v. Ronobroto Roy, Civil Appeal No. 9744 of 2014, decided on 15-10-2014. 10

16 . (b) Write short notes on any four of the following : 5
(v) Confession made in police custody.

1. (a) Under what circumstances, a statement made by an accused before a police officer can be used in evidence ? An accused, while in police custody, gives information to the Investigating Officer that he purchased the murder weapon from a particular dealer, and then takes the Investigating Officer and the witnesses to the place of the dealer and points him out.

Whether the information given by the accused, and the evidence of the Investigating Officer and witnesses are admissible ? Answer referring to relevant provisions of Evidence Act. 10

2. (a) How much of an information received from an accused can be proved in a trial against him?

Ram, an accused of an offence of murder stated before a police officer that, “the knife by which I have killed Sohan has been hidden by me in the field, which I can recover”. On this information the police officer discovers the said knife from the field, on which human blood is detected. Is the whole statement given by the accused admissible in evidence?

If not, what part or parts are admissible in evidence? Give reasons clearly. 10

3. (b) A and B are being jointly tried for the murder of C. A makes a confession in which he says that he along with B went to the room in which C was sleeping, that A stood at the door as he felt nervous and B went inside and shot C dead. How far can this confession be used against B? 5

7. What is Narco-analysis and what is the legal sanction behind it? 15

Write short notes on any three of following:— 15

(ii) Retracted Extra-judicial confession 5

2. (b) 'A' is being tried for the murder of 'C'. There is evidence to show that 'C' was murdered by 'A' During the trial, 'B' deposed that he along with 'A' had murdered 'C'. Can the statement of 'B' be taken into consideration by the Court against 'A' ? 10

3. (b) Five persons 'A', 'B', 'C', 'D' and 'E' received serious injuries in the course of a factious fight. They were first taken to the police station and then to the hospital. At the police station 'A' gave a report Exhibit I which was recorded as the first information report. Police also recorded statements Exhibits II and III from 'B' and 'C'. At that time 'D' and 'E' were unconscious. At the hospital the doctor sent for a Magistrate who recorded statements of all five of them. They were Exhibits IV, V, VI, VII and VIII. Subsequently 'A', 'C' and 'E' died of the injuries, received in the fight. 'B' and 'D' were examined at the trial as witnesses. For what purpose could each of the statements Exhibits I to VIII be used at the trial? 10

2. (b) 'A' a women whose throat had been cut by some sharped weapon indicated by gesture before her death that 'B' was the person who has cut her throat. Is this statement of 'A' made by gesture admissible in evidence against 'B'? 10

Write short notes on any three of following:— 15

(i) Dying declaration 5

3. (a) How the entries in books of account are proved? Point out the difference, if any, with regard to the admissibility of documentary evidence and mode and method of proof thereof. When and at what stage the aforesaid objections can be raised?

A document is marked as “an Exhibit”. Whether the question of its admissibility can be raised in appeal for the first time? Refer the relevant case laws On the point. 10

Write short notes on any three of following:— 15

(iii) Expert evidence 5

1. (b) 'A' a witness is asked whether he was dismissed from service for dishonesty. He denies it. Evidence is offered to show that he was dismissed for dishonesty. Is this evidence admissible ? 10

8. Discuss the provisions of Indian Evidence Act relating to facts of which court must take judicial notice.

1. Oral evidence in all cases must be direct. Explain this rule with illustrations and exceptions referring to relevant sections of the Indian Evidence Act. 10

1. (b) In a suit between A and B it is proved that B is in possession of a document, of which a certified copy is permitted to be given in evidence. A wants to prove the contents of the document against B. B, notwithstanding notice to produce it, fails to produce the document. A adduces oral evidence to prove the contents. Is the evidence admissible? 5

9. discuss the provision relating to the admissibility of electronic records in evidence as prescribed under Indian Evidence Act 1872 [10 marks]

9 (a) What do you understand by the “primary evidence” and “secondary evidence” ? [5]

9 (b) From a photostat copy of a sale deed which was compared with its original another copy is transcribed. A photocopy then is obtained from the transcribed sale deed. Whether the photostat copy such obtained, can be treated as secondary evidence ? [5]

Q.5. (1). What are the special provisions in the Indian Evidence Act, 1872 regarding admissibility of electronic record? In what circumstances, information contained in an electronic record can be accepted in evidence in the proceedings before a Court? Discuss with reference to relevant provisions.

2. What are the amendments introduced in Section 65 of the Indian Evidence Act in relation to Electronic Evidence. Discuss with illustrations. 10

5. 'A' an accused for committing an offence punishable under Section 302 Indian penal code ,while meeting with adverse and incriminating circumstances in prosecution Evidence states that whatever Act was done by him that was due to a reason of unsoundness of mind and he was not knowing nature of the act so committed.the burden to prove the exception as pleaded is on whom ? support the answer with relevant provisions of Indian Evidence Act 1872. [10 marks

6. Explain the provisions relating to the burden of proving fact especially within the knowledge as prescribed under Indian Evidence Act 1872. [6 marks]

7. Discuss the provision relating to birth during marriage, conclusive proof of legitimacy as prescribed under the Indian Evidence Act 1872. [6 marks]

4. Write short note with reference to judgments on following :—
(i) Presumption of fact and presumption of Law 15

4. Write short note with reference to judgments on following :—
(iii) Burden of proof 15

3. (b) 'P' was the wife of 'X'. Two months after the death of 'X', she remarries 'Y'. Five months after the marriage, a son 'Z' is born to 'P'. Who is legally the father of 'Z'? Answer referring to the relevant provisions of the Evidence Act. 10 marks

2. (a) What do you understand by conclusive and rebuttable presumption? Explain. 10

3. How and in what manner, can the evidence of a deaf and dumb person be recorded by a Court ? Explain with the help of case law. [10]

Q.5(2). Who is accomplice? Can conviction of an accused be recorded on the tendered to an accomplice? Discuss in the context of Section 306 of the Code of Criminal procedure,1973 and Section 133 of the Indian Evidence Act,1872.

Write short note with reference to judgments on following :—

- (i) Presumption of fact and presumption of Law 15
- (ii) Accomplice and approver 15
- (iii) Burden of proof 15
- (iv) Res-gestae 15
- (v) Witness not excused from answering on ground that answer will criminate. 15

Write short note with reference to judgments on following :—

(ii) Accomplice and approver 15

5. How can and in what manner, can the evidence of a deaf and dumb person be recorded by a Court? Explain with the help of case law. 10

17. (a) Who is an accomplice? Under what circumstances a conviction can be based on the testimony of an accomplice? 5
- (b) When the parties have led evidence and relevant facts are before the court and all that remains for decision is what inference is to be drawn from the, the question of burden of proof is not material, comment. What do you mean by burden of proof? On whom does the burden of proof lie in civil and criminal cases ? 5

3. (a) An accused may be a competent witness. Discuss with relevant provisions ? 10

2. (a) What are the privileged communications? A, a client says to B, a lawyer, “I wish to obtain the possession of the property by the use of this forged deed on which I request you to sue” Is this communication protection from disclosure? 15

2 (b) Jolly informed John in the year 1988 that she had committed theft of the ornaments of her neighbour. Thereafter, Jolly and John were married in 1989. In the year 1992, prosecution was started against Jolly in respect of the theft of ornaments. John is called to give evidence in this case. Can John disclose the communication made to him by Jolly? 5

3. (a) Differentiate between the evidence given by an accomplice and a co-accused and decide the evidentiary value of each of them? 15

Q.5(4). What do you understand by “hostile witness”? What is the value of the evidence given by a Hostile witness?

4. Write short note with reference to judgments on following :—

(v) Witness not excused from answering on ground that answer will criminate. 15

16. (a) Explain the scope of examination-in-chief, cross-examination and re-examination under the Indian Evidence Act. State briefly their objects. 5

16. (b) Write short notes on any four of the following : 5
- (i) Hearsay evidence. (ii) Hostile witness.
 - (iii) Leading question. (iv) Setoff
 - (v) Confession made in police custody.

16 . (b) Write short notes on any four of the following : 5
(ii) Hostile witness

16 . (b) Write short notes on any four of the following : 5
(iii) Leading question.

2. In what manner credit of a witness can be impeached? Refer the section of the Indian Evidence Act in support of your answer. 10 marks

1. (a) Whether the evidence of a witness can be taken on an affidavit during criminal trial and a civil suit?
State with reference to relevant provisions. 10

1. (b) Describe the powers of a Judge to put questions or order production under Indian Evidence Act. 10