2023

LAW

Law of Evidence

Paper - 901

(NEW SYLLABUS)

Full Marks : 80 Time : 3 Hours

The figures in the right-hand margin indicate marks.

Candidates are required to give answers in their own words as far as practicable.

Answer **question no. 1** and any **five** from the rest:

1. Answer any **ten** questions : $2 \times 10 = 20$

a) Define may presume and shall presume.

b) What are the Proceedings to which the Indian Evidence Act, 1872 applies?

c) What is Admission?

d) Define Plea of alibi.

e) What is Examination in chief?

f) Define Leading question.

g) Define Refreshing memory.

h) Discuss private document.

i) Are children competent to depose before a court?

j) Define Circumstantial evidence.

k) Define Presumption as to Legitimacy of a child.

l) Who is a competent witness?

2. "Facts forming the part of the same transaction, though not in issue, are relevant"— Explain with reference to decided cases. 12

3. What is dying statement? When dying statement is relevant? What will be the relevancy of statement if the person who made the statement survives? 4+5+3=12

4. What is expert opinion? On what subject is expert opinion permitted under Indian Evidence Act,1872? Discuss evidentiary value of expert opinion. 3+3+6=12

5. What is character? How far good character and bad character are relevant in a civil and criminal proceedings under Evidence Act? 4+8=12

6. "Onus of proof shifts but burden of proof does not shift"—Discuss. On whom does the burden of proof be in civil as well as in criminal proceedings?—Discuss the relevant provision. 6+6=12

7. What is hearsay evidence? When and on what grounds hearsay evidence is admissible under Indian Evidence Act? What are the exceptions to this rule? 4+4+4=12

8. Write short notes on (any **four**): 3×4=12

   a) Estoppel by conduct

   b) Test identification parade

   c) Hostile witness

   d) Judicial notice

   e) Dumb witness

   f) Impeaching the credit of witness

9. Distinguish the following (any **two**): 6×2=12

   a) Patent Ambiguity and Latent Ambiguity

   b) Admission and Confession

   c) Public document and Private document

   d) Judicial confession and Extra judicial confession.
