2024

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 **Q. No. 1** and any **five** from the rest:

1. Answer any **ten** questions : 2×10=20

a) Define the word 'admission'.

b) Define the word 'fact in issue'.

c) Define the word 'evidence'.

d) What is 'relevant fact?

e) What is hearsay evidence?

f) What is 'primary evidence'?

g) What is a 'leading question'?

h) What do you understand by cross examination of a witness?

i) What is privileged communication?

j) Is character of a person relevant in a criminal case against him?

k) What is public document?

l) Who is called a hostile witness?

2. What is 'res gestae'? Discuss the scope of 'res gestae' under Bharatiya Sakshya Adhiniyam, 2023? 4+8=12

3. What is 'plea of alibi? Explain the circumstances when facts otherwise not relevant become relevant under Bharatiya Sakshya Adhiniyam, 2023. 4+8=12

4. Define confession. What is judicial and extra-judicial confession? Is confession made to a police officer admissible? – explain with exceptions. 2+4+6=12

5. Define dying statement. When dying statement is relevant? Explain the evidentiary value of dying statement – is it conclusive? Explain with decided case laws. 2+4+6=12

6. Who is an expert? On what subjects expert opinion is relevant under Bharatiya Sakshya Adhiniyam, 2023? 4+8=12

7. Define secondary evidence. When secondary evidence is allowed in place of primary evidence to prove contents of a document? 4+8=12

8. What is burden of proof? Distinguish between burden of proof and onus of proof ? What is shifting of burden of proof? 3+3+6=12

9. Write short notes on (any **two**): $6 \times 2 = 12$

a) Judgment in rem

b) Estoppel

c) Evidentiary value of an accomplice witness

d) Refreshing of memory
