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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program: B.B.A.,LL.B(Hons) Corporate laws, B.TECH., LL.B.ET&IPR,CS&CL(Hons)

Semester – Vth, IX

Subject (Course): Law of Evidence

Max. Marks : 100

Course Code : LLBL 121

Duration : 3 Hrs

No. of page/s: 2

Section A

Objective type / Short Answer type memory based general questions 5x2 (10 marks)

- Q1) Give two examples of public and private documents.
- Q2) What is the order of examination in a trial.
- Q3) Write short note on “Refreshing memory”
- Q4) Who is a competent witness?
- Q5) What are leading questions?

Section B

Short answer type (Conceptual questions) 2 x10 (20 marks)

- Q1) “A prosecute B for theft” .On whom the burden of proof and onus of proof would lie? Explain it with relevant sections of evidence Act.
- Q2) Explain the concept of secondary evidence with relevant provisions of Evidence Act. In which conditions secondary evidence can be given?

Section C

Analytical questions

2x10 (20 marks)

Q1) “Every confession is admission but every admission is not confession”. Critically analyze the above statement.

Q2) “Oral evidence must be direct”. Explain.

Section D

Application based question (case laws)

2x25 (50marks)

Q1) X (deceased) had given 3000 rupees to the accused a number of times. The accused had then moved to Berhampur. From there, she has written the letter to the deceased saying, to come to Berhampur and collect the money, which he had given her as loan. So, the deceased had shown the letter to his wife saying that he was going to Berhampur to collect the money, which he had given to the accused. Then he took the train to Beharpur. Three days later, his dead body was found in a trunk in “puri” train.

1) Which legal provision of Indian Evidence Act would be applicable in the given facts? (5)

2) In this context cite the relevant case laws and what was held in the cited case. (10)

3) What is the evidentiary value of Dying Declaration? (5)

4) Explain the difference between Indian and English law in reference to dying declaration.(5)

Q2) Accused has confessed to police that he and his friends murdered “A” and the weapon by which he murdered him is put behind the grasses. Afterwards recovery of that weapon took place at very spot where accused informed it.

1) Is confession made to the police officer relevant? (5)

2) Explain the relevant provisions of the Evidence Act, which would be applicable. (10)

3) When a confession made to a police officer is relevant. (5)

4) What is the evidentiary value of a confession? (5)

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Section A

Objective type / Short Answer type memory based general questions 5x2 (10 marks)

Q1) How a dumb witness can give evidence in court?

Q2) On whom the burden to prove a particular fact lies?

Q3) Give examples of primary evidence.

Q4) Who may testify?

Q5) What are leading questions?

Section B

Short answer type (Conceptual questions) 2 x10 (20 marks)

Q1) Explain the concept of burden of proof and onus of proof with relevant sections of evidence Act and examples. On whom burden of proof lies in civil and criminal cases.

Q2) “Contents of documents can be proved by Primary evidence and Secondary evidence”. Explain with relevant sections of evidence Act.

Section C

Analytical questions

2x10 (20 marks)

Q1) Confession is narrower concept than admission. Critically analyze the difference between admission and confession.

Q2) Explain the provisions of the section, which emphasizes on exclusion of hearsay.

Section D

Application based question (case laws)

2x25 (50marks)

Q1) A person is charged with murder, he is taken before a panchayat, which asks him to confess otherwise he would be expelled from the caste for lifetime. The person makes the confession.

- 1) Is confession made before the panchayat relevant? (5)
- 2) Which sections of Indian evidence act would be applicable to the above facts. Explain (10)
- 3) What is the evidentiary value of confession? (5)
- 4) Describe the kinds of confession? (5)

Q2) A woman has written letters to her sister and parents regarding ill treatment towards her by in laws family. After three months, she dies due to burning in her matrimonial house.

- 1) Can the letters written by women can be treated as dying declaration. (5)
- 2) Which section of evidence act deals with dying declaration and explain the main essentials of the section. (10)
- 3) What is the evidentiary value of dying declaration? (5)
- 4) What is the reason for admissibility of dying declaration though it is not made on oath? (5)