

SET - B

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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: ...Law of Evidence ... Semester: ...IVth.....
Programme: ... BALLB EL/CL/CL

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

| S. No. | | Marks | CO |
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| 1 | In this case, the deceased (decd.) wife Anita passed away after sustaining severe burn injuries on her body. Charges were framed against the husband and his parents; however, the parents were acquitted, as there was no prima facie case that could be made against the parents. After the incident, the wife was first taken to a village hospital where the medical official noted a history of accidental burns as Anita stated that she suffered burns due to the flames of the earthen pot, totally contradicting her claims in the subsequent declarations made to the ASI, Naib-Tehsildar and her father. The wife later stated in her dying declarations that after marriage; initially she was treated well by the husband's family. But after the birth of their youngest son, the husband started doubting her chastity and would often beat her up. On one such occasion when the husband was beating her, she cried loudly because of which her husband poured kerosene oil on her, set her ablaze and then locked the door from outside and went away. It was the parents who, along with one neighbor, came inside and help put out the fire and upon arrival of the husband after some time, took the | 20 | CO2 |

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| | deceased wife Anita to a nearby rural hospital. Decide the case with proper reasoning and supporting case laws. | | |
| Ans. | | | |
| 2 | <p>One Mr. Z was brutally murdered on 4th September 2019 at a place in Sivan, where he lived and carried on his business as an auto driver. Ten persons were charged and tried the commission of the offence by the Sessions Court of Sivan. The learned Court convicted six of the accused and acquitted the four. The six made an appeal to the Hon'ble High Court of Patna. Four of the appeal were allowed and rest dismissed. The rest two approached the Hon'ble Supreme court of India and the only question before the Court, in appeal, is <i>whether the evidence upon which the appellant is convicted is sufficient for conviction?</i> The evidence against the appellants consisted of – (a) the evidence of Mr. X who has taken part in the murder and had become an approver; and (b) the confession of one of the co-accused Mr. Y which implicated both himself and the appellant in the murder.</p> <p>Respond to the question with the help of provisions and precedents understanding the position of Mr. X and Y, and the probative value of their evidence.</p> | 20 | CO3 |
| Ans. | | | |
| 3 | <p>A, B and C & D conspire to blow a rail-bridge. To achieve their object, they make a plan to place a time bomb below the railway bridge. The time bomb is placed, but it does not explode. They return back and write a letter to the supplier of the bomb explaining him the non-explosion of the device and requesting for another time bomb. The letter is intercepted and the prosecution wants to use this letter against all accused persons including the supplier for holding them guilty of criminal conspiracy. Decide the matter. Use relevant provisions and case laws.</p> | 20 | CO1 |
| Ans. | | | |
| 4 | <p>It came to the knowledge of the police officials of the state of Utrakhhand through their informers, that a dacoity is planned to be executed in a village falling in their jurisdiction. To catch the dacoits, the police officials dressed up as civilians and reached the village. The information came to be true and actually the dacoits attempted</p> | 20 | CO3 |

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| | <p>to commit the offence. However, there attempts could not succeed and the police officials attacked them. The offenders were taken by surprise. However, four of them ran away but two of them were caught by the officials. The search for the others is still on. While the two of them were brought to the police station, the officials halted for a tea break in a local dhaba by the side of the highway. One of them made a confession to the driver of the vehicle while the other police officials were having tea. While the accused was conversing with the driver, one worker of dhaba came to serve tea to the driver and overheard the conversation. The questions before us to solve are-</p> <p>a) Whether the confession made in the aforesaid situation to the driver of the vehicle is admissible or whether it is hit by section 26 of the Evidence Act, 1872?</p> <p>b) Whether the statement of the worker of the dhaba regarding the conversation overheard by him be admissible or will it still be hit by section 26 ?</p> | | |
| Ans. | | | |
| 5 | <p>Mr. Ajay got married to Lalita in 2006. They had a daughter in 2008. There were some issues of dispute between the married couple. They shifted to Delhi in 2012. One unfortunate day, Lalita was found dead in the house and Ajay reported to the police about the incident. It appeared that the lady has committed suicide since she was unhappy with her marital life as well as she was very unsuccessful in her professional life also in the recent past. There was no witness to the whole transaction except the little girl of four years who happened to say that “Papa is bad. Papa hit momma and now momma doesn’t say anything after papa hit her with the pillow”. After this, the police doubted that the deceased wife may have been suffocated to death by the husband and later this is deceived as suicide.</p> <p>However, the challenge with the prosecution is that there is only one witness and that too a small girl.</p> <p>Decide the following matter commenting on the following-</p> <p>a) Whether the girl is a ‘competent witness’?</p> <p>b) Whether the testimony of the single girl is enough to sustain conviction of the accused in the matter?</p> | 20 | CO5 |

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| | Use the provisions and the precedents in support of the answer to answer descriptively. | | |
| Ans. | | | |

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.

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