

Roll No.

SAP ID



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

Course: Law of Evidence (CLCC2008)

Semester: IV

Programme: B.COM. LLB. (Hons.) Taxation Laws/ B.Sc., LL.B. (Hons.) Intellectual Property Rights/Food, Health and Environment Law/Medical and Forensic Law

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 | On August 11, 2019 between 7 am and 8 am Mr. X murdered Saumya in a forest known as Ooty hills. Later, Chaman in Ramleela field and then Ratan and Dev in the house of Ratan at village Jhallu. The first information of the offence was lodged by Mr. X himself at police station Khammam on August 11, 2019 at 6:15 pm. The information was reduced to writing by the officer in charge, sub inspector Kuldeep Chaudhary and Mr. X affixed his left thumb impression on the report. The sub inspector immediately took cognizance of the offence, and arrested Mr. X. The next day, sub inspector in the company of Mr. X went to the house of Ratan, where Mr. X pointed out the dead bodies of Ratan and Dev and also a place in the orchard of Ratan covered with bushes and grass, where he had concealed a weapon. Mr. X then took the sub inspector and the witnesses to Ramleela ground and pointed out the dead body of Chaman lying in a ditch. Mr. X then took the sub inspector and the witnesses to Ooty hills. Where he pointed out the dead body of Saumya lying in the slop of the hills to the north. The sub inspector also recovered from Mr. X house a bed sheet stained | 20 | CO2 |

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| | <p>with human blood. The evidence of witness want shows that Mr. X had gone to the forest on the morning August 11, 2019.</p> <p>The medical evidence discloses incised wounds on all the dead bodies. The injuries were caused by a sharp cutting weapon. All the four persons were brutally murdered. There is no eye witness to the murders. The principal evidence against the appellant consist of the first information report, which contains a full confessions of guilt by the appellant.</p> <p>In the light of the above situation decide with the help of the relevant provisions and case laws whether the whole confessional statement in the F.I.R was banned by the sec 25 of the Indian Evidence Act or only those petition of it were banned which related to the actual commission of the crime.</p> | | |
| Ans. | | | |
| 2 | <p>The F.I.R was lodged as per the information provided by Mr. X to the police officer. Mr. X said that he has raped his friend Y and killed her. On the basis of the information police registered a case under Sec. 302, 376, IPC the F.I.R has four distinct parts: (a) Particulars relating to his identity, address etc. (b) Particulars relating to motive and preparations (c) Particulars relating to the actual killing (d) Particulars relating to after killing conduct such as hiding the dead bodies, concealing the knife and his bloodstained clothes. Based on this information, the police recovered the dead bodies, knife and clothes. X is on trial and the FIR is the only evidence against him.</p> <p>Decide in the light of relevant case law.</p> | 20 | CO1 |
| Ans. | | | |
| 3 | <p>Mr Akshay was suspected of murder of miss. Karuna. He was apprehended by police and brought to the police station. The police inspector was well built and had a rough voice and appearance. Being afraid that he would beat. Mr Akshay gave in writing to the police inspector, while in his Custody that "I have murdered miss Karuna with knife and I have hidden it in an old house. I can show it to you if you can take me there "</p> <p>A) What portion if any is admissible in evidence out of the statement by Mr Akshay to police? B) What is the reason why the entire statement cannot accepted in evidence support with the help of relevant case laws.</p> | 20 | CO3 |
| Ans. | | | |
| 4 | <p>'A', the deceased wife was married to 'B' in Jan 2014. The couple lived together peacefully but six months after the marriage, the dispute arose between. 'A' complained to her parents on several occasions about harassment to her by the husband and in laws through letters. On 30th March, 2015, 'A' was admitted to the hospital with</p> | 20 | CO2 |

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| | <p>80% burns. The Police and the Magistrate was informed. The statement of 'A' was recorded by the Magistrate in the presence of police and the doctor on the duty. 'A' became unconscious before she could answer the last question "What move you want to say?" A died the same day. 'A' had made her husband's family responsible for burning her as per her statement made to the magistrate.</p> <p>Can the accused persons be convicted on the basis of uncorroborated dying declaration alone? Decide.</p> | | |
| Ans. | | | |
| 5 | <p>X's daughter 'Y' was married to 'Z'. During April 2020. 'Y' was with her parents in Dehradun 'Z' wrote three letters to 'Y' from Ahmedabad which contain defamatory imputations about 'X'. As a result 'X' filed a complaint against 'Z' charging him offence of defamation. 'Z' raised the objection that the three letters which formed the sole basis of the complaint were inadmissible in evidence.</p> <p>Is the objection of 'Z' sustainable? Decide.</p> | 20 | CO1 |
| 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.