

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 (CLCC 2008)
Programme: BBA., LL.B.(Hons.) BFIT 2018 Batch

Semester: IV

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
SET B

S. No.		Marks	CO
1	<p>Ruchi works in a call centre where she has to work in odd hours. She reaches the office around 10.00pm every night and gets back home around 6.00am in the morning. Her office has arranged for transport service so that she and other employees like her can be safely picked up and dropped back. On 1st March 2020 she received a call at around 3.30 am from her home that her mother is seriously ill. Though the transport service would have taken her back around 5.30 am, Ruchi decided to leave at once and borrowed a two-wheeler from a friend for the same purpose. On her way back on the roads which were mostly lonely, she was confronted by a gang of drunk hooligans who beat her up severely and ravished her in their car and then threw her off on the road.</p> <p>Her colleagues spotted her when they were getting back from office in the company car around 5.50am. They were horrified at the scene of a bleeding Ruchi lying helplessly on the road. They picked her up and took her to the nearest hospital. Some of her colleagues suggested that Ruchi must first go to the police station but Ruchi did not want to register a complaint fearing a protracted legal proceedings which would put her to public humiliation. She mentioned the identity of one of the perpetrators as Rajesh who works in the office opposite to the call centre. In the hospital, Ruchi breathed her last around 6.00pm the same evening. Enraged at the whole event, couple of her friends informed the police of the incident pursuant to which Rajesh was apprehended and sent for trial.</p> <p>(i) Under which provisions of the Indian Evidence Act, the statements made by Ruchi to her colleagues in the car may be relevant?</p> <p>(ii) Under which provision of the Indian Evidence Act, the statements made by Ruchi to her colleagues in the car will not be relevant?</p>	20	CO4

Ans.			
2	<p>(a) Indian Evidence Act, 1872, declares an accomplice to be a competent witness and a conviction is not illegal even if it is based on the uncorroborated testimony of an accomplice, while this Act also allows a court to presume an accomplice to be unworthy of credit unless he is corroborated in material particulars. Do you see any contradiction in this Act in this regard? Discuss and elaborate your views with reference of decided case on the subject.</p> <p>(b) A and B are being jointly tried for the murder of C. A makes a confession in which he says that he along with B went to the room in which C was sleeping, that A stood at the door as he felt nervous and B went inside and shot C dead. How far can this confession be used against B?</p>	20	CO4
Ans.			
3	<p>(i) A sitting MLA was murdered in the presence of some responsible persons at the flag hoisting, on the Independence Day. Most of them, however, turned hostile in course of trial of the accused.</p> <p>Can the court scrutinize the evidence and come to the conclusion, whether the evidence brought on record, even of the hostile witnesses, would be sufficient to bring home the guilt of accused?</p> <p>(ii) A is accused of commission of murder of his father who was inclined to dispose of his immovable property for certain reasons. After committing murder, 'A' himself went to the police station and lodged FIR narrating the manner in which he did commit murder. There is no eye witness to the commission of the offence. Dead body and blood stained kulhari is recovered from the house of the accused. Decide</p>	20	CO3
Ans.			
4	<p>Leela married Ram on 1st January, 2018. Soon after, Leela also started having an adulterous relationship with Sanjay. On 1st June, 2019, Ram divorced Leela under Section 13(1)(i) of the Hindu Marriage Act; A child was born to Leela on 1st January 2020. It is an established fact Sanjay had access to Leela throughout the period of her marriage and also thereafter. Is the child a legitimate child in terms of Section 112 of Indian Evidence Act? Answer in light of language, object and purpose of the provision. Also discuss in light of judicial pronouncements whether in given circumstances Ram can claim DNA test of the child to establish that he is not the biological father of the child.</p>	20	CO3
Ans.			
5	<p>A is accused of murdering B by beating him. At the time of beating, C, a by-stander was heard saying, 'Oh A, beat him no more; don't you see he is dying.' At the trial, C was not available to give evidence but prosecution procured D, another by-stander who heard C say so. Can the prosecution be allowed to prove C's statement through the evidence of D? Give reasons citing relevant provisions and case laws.</p>	20	CO4
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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