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**PRESIDENCY UNIVERSITY**

**Bengaluru**

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| **End - Term Examinations – JANUARY 2025** |
| **Date:** 08/01/2025 **Time:** 09:30am – 12:30pm |

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| **School:** SOL | **Program:** BA LL.B./BBA LL.B/B.COM LL.B. (Hons.) | |
| **Course Code:** LAW2034 | **Course Name:** BHARATIYA SAKSHYA ADHINIYAM | |
| **Semester**: V | **Max Marks**: 100 | **Weightage**: 50% |

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| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** |
| **Marks** | **10** | **35** | **25** | **10** | **20** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

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| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** | | | | |
| **1** | Explain the term “Fact in Issue”. | **2 Marks** | **L1** | **CO1** |
| **2** | Define “Document” as per the Bharatiya Sakshya Adhiniyam. | **2 Marks** | **L1** | **CO1** |
| **3** | What is the difference between “May Presume” and “Shall Presume”? | **2 Marks** | **L1** | **CO2** |
| **4** | Discuss in brief about the Doctrine of Estoppel? | **2 Marks** | **L1** | **CO1** |
| **5** | When can explanatory facts be considered relevant? | **2 Marks** | **L1** | **CO2** |
| **6** | What are the evidentiary requirements for the admissibility of a dying declaration? | **2 Marks** | **L2** | **CO2** |
| **7** | Explain the evidentiary value of an expert opinion. | **2 Marks** | **L2** | **CO1** |
| **8** | Who is considered a competent witness under the Bharatiya Sakshya Adhiniyam? | **2 Marks** | **L2** | **CO2** |
| **9** | Define “Privileged Communication” with example. | **2 Marks** | **L2** | **CO2** |
| **10** | What do you mean by the term “Hostile Witness” under Bharatiya Sakshya Adhiniyam,2023? | **2 Marks** | **L2** | **CO1** |

**Part B**

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| **Answer the Questions Total 80 Marks** | | | | | |
| **11.** | **a.** | A litigant presents photocopies of a document as evidence, claiming the original is lost, but opposing counsel objects. Evaluate whether the photocopies qualify as “Secondary Evidence”. | **10**  **Marks** | **L4** | **CO2** |
| **or** | | | | | |
| **12.** | **a.** | In a cybercrime case, the prosecution seeks to admit electronic records from the accused's computer. The defence argues they are inadmissible. Analyse the criteria for admissibility of electronic records. | **10**  **Marks** | **L5** | **CO2** |
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| **13.** | **a.** | During cross-examination, a lawyer asks a witness leading questions about events they claim to have witnessed. Evaluate the permissibility of leading questions in this scenario and discuss the condition in which the leading questions may be asked. | **10**  **Marks** | **L3** | **CO3** |
| **or** | | | | | |
| **14.** | **a.** | A witness refreshes their memory using a personal diary before testifying. The opposing counsel objects. Analyse the validity of this action under the Bharatiya Sakshya Adhiniyam. | **10**  **Marks** | **L3** | **CO3** |

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| **15.** | **a.** | During a fraud case, a piece of evidence is labeled as “Conclusive Proof”. The opposing counsel challenges this assertion. Analyse the criteria for such classification and decide its evidentiary value. | **5+5**  **Marks** | **L5** | **CO4** |
| **Or** | | | | | |
| **16.** | **a.** | A witness claims to have “disproved” a fact through his testimony, while the prosecution argues it is only “not proved”. Analyse the situation and determine the evidentiary impact. | **4+6**  **Marks** | **L2** | **CO4** |

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| **17.** | **a.** | A six-year-old child is the sole eyewitness to a murder. The defence argues the child is not competent to testify. Apply the legal principles governing competency of witnesses to determine whether the child’s testimony is admissible. | **15**  **Marks** | **L4** | **CO3** |
| **Or** | | | | | |
| **18.** | **a.** | Ravi is accused of murdering his neighbour, Suresh, due to a property dispute. The prosecution argues that Ravi had a strong motive to commit the murder. To support their case, they present several pieces of evidence:   1. A threatening message from Ravi to Suresh two weeks before the murder. 2. Ravi's purchase of a kitchen knife a few days prior to the crime. 3. A witness saw Ravi near Suresh’s house on the night of the murder.   On the above problem elaborate the relevance of the **threatening message** as evidence of motive under Section 6 of the Bharatiya Sakshya Adhiniyam, 2023. | **15**  **Marks** | **L5** | **CO3** |

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| **19.** | **a.** | Raj is accused of robbing a bank at 5 PM on July 15th,2024. He claims he was attending his cousin's wedding in a different city, 300 kilometers away, from 3 PM to 8 PM. To support his **plea of alibi**, Raj presents testimonies from relatives, time-stamped photos from the wedding, and a toll receipt showing his car passing through a toll booth 200 kilometers away from the crime scene earlier that day. The prosecution, however, argues that Raj could have left the wedding, driven back to commit the robbery, and returned unnoticed. Critically analyse the value of testimonies from wedding attendees in supporting Raj’s alibi. Also explain the role of time-stamped photos in proving Raj's presence at the wedding. | **8+7**  **Marks** | **L4** | **CO2** |
| **Or** | | | | | |
| **20.** | **a.** | During a trial, a party argues that a fact is “Proved” because the evidence presented is highly probable. The opposing party contends it is only “Not Proved.” Analyse this dispute using the definitions under the Bharatiya Sakshya Adhiniyam, 2023 and discuss the judicial trends. | **8+7**  **Marks** | **L3** | **CO2** |

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| **21.** | **a.** | In a corruption case, the accused admits to accepting a bribe during a private conversation. The prosecution seeks to admit this as an "Admission." Evaluate its admissibility.  A confession made before a magistrate implicates both the confessor and a co-accused. The co-accused disputes its admissibility. Discuss the principles applicable to such a confession. | **10+10**  **Marks** | **L4** | **CO5** |
| **Or** | | | | | |
| **22.** | **a.** | A fire at a factory result in significant damage and the death of two workers. The factory owner, Mr. Patel, is accused of negligence due to faulty electrical wiring. The prosecution presents several facts:   1. Employee complaints about faulty wiring. 2. The disconnection of the fire alarm system during the fire. 3. A warning letter from the insurance company about electrical hazards sent a week before the fire. 4. A previous fire incident in the same factory due to similar reasons six months earlier.   On the basis of above issue, discuss the admissibility of the **previous fire** as evidence in Bharatiya Sakshya Adhiniyam 2023.  Analyse the above facts that whether the relevance of the **disconnected fire alarm** as a contributing cause and the use of **previous complaints** are sufficient to establish a pattern of behaviour of negligence under Bharatiya Sakshya Adhiniyam, 2023. | **10+10Marks** | **L4** | **CO5** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***