

Roll No



**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW  
END TERM EXAMINATION - JAN 2023**

**Semester :** Semester VII - 2019 Batch

**Course Code :** LAW115

**Course Name :** Sem VII - LAW115 - Law of Evidence

**Program :** BA LLB Honors

**Date :** 4-JAN-2023

**Time :** 1.00PM - 4.00PM

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.

**PART A**

**ANSWER ALL THE FOLLOWING QUESTIONS**

**10 X 2 = 20M**

1. Explain the difference the Fcatum Probandum and Factum Probands. (CO1) [Knowledge]
2. What are the exceptions to hearsay rule? (CO1) [Knowledge]
3. Explain formal confession. (CO2) [Knowledge]
4. Under what circumstances secondary evidence are admissible? (CO3) [Knowledge]
5. What is secondary evidence? (CO2) [Knowledge]
6. What is the Public Documents? Give example (CO2) [Knowledge]
7. What is Digital evidence? Is Digital Evidence falls in the category of Documentary evidence. (CO3) [Knowledge]
8. Discuss the expression "Hostile Witness with the help of provisions of evidence act and case laws (CO3) [Knowledge]
9. What are the exceptions to rule of estoppel? (CO4) [Knowledge]
10. What is formal confession? (CO3) [Knowledge]

## PART B

ANSWER ALL THE FOLLOWING QUESTIONS

4 X 10 = 40M

11. Explain in detail the Law of Estoppel as laid down in Indian Evidence Act  
(CO3) [Comprehension]
12. Explain in detail meaning and the provisions related to Burden of Proof ? Also elucidate the presumptions related to Burden of Proof according to Indian Evidence Act.  
(CO4) [Comprehension]
13. What are the rules regarding dying declaration ? Discuss in detail its evidentiary value with the help of relevant provisions and case laws. Can an accused person be convicted on the basis of dying declaration? If a person making dying declaration happens to live. Can the declaration be admitted in evidence?  
(CO4) [Comprehension]
14. Distinguish between Admission and Confession. Also examine in detail evidentiary value of a confession made to a police officer with the help of relevant sections and case laws  
(CO4) [Comprehension]

## PART C

ANSWER ALL THE FOLLOWING QUESTIONS

2 X 20 = 40M

15. Confession made by the accused is inadmissible in evidence. Discuss the statement in detail giving exception.  
(CO5) [Application]
16. A was severely beaten. His dying declaration was recorded by a Magistrate , in which he implicated X and Y. A survived due to medical treatment . X and Y are prosecuted for attempt to commit murder of A. During the trial the aforesaid Dying Declaration was sought to be given in evidence by the prosecution in support of its case. The defence oppose on the ground that the declarant was not dead and the alleged Dying Declaration did not point towards any cause for assault of the declarant therefore it was irrelevant. Decide with relevant legal provisions citing landmark case laws.  
(CO5) [Application]

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