

Roll No



**PRESIDENCY UNIVERSITY  
BENGALURU**

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

**Semester :** SEMESTER - V - LLB-2020 Batch

**Course Code :** LAW115

**Course Name :** Sem V - 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. Write a note on the Burden of proof as set out in Sections 101 and 102  
(CO1) [Knowledge]
2. Vandana an unmarried girl of 18.5 years old was accused of the murder of her newly-born child. She was sent, in the custody of police Constables, to a doctor for examination. The police Constable was standing outside the room in which the doctor was examining Vandana. During her examination, the doctor thought that she is of loose morals and she had delivered even before. You are appearing as the Public Prosecutor in this case. Submit your argument with relevant provisions of law and precedent.  
(CO1) [Knowledge]
3. Judgments of Criminal courts are not conclusive proof to decide disputes in Civil Suits. Substantiate  
(CO1) [Knowledge]
4. Write a note on Section 43 of the Indian Evidence Act, 1872.  
(CO2) [Knowledge]
5. Elaborate on the term "Court" under the Indian Evidence Act, 1872.  
(CO2) [Knowledge]
6. What are the differences between Section 32(5) and Section 48 of the Indian Evidence Act, 1872  
(CO2) [Knowledge]
7. Sangamitra owns a plot of land in Hyderabad. He called a surveyor to identify her land. After that, she started the construction of a house on the neighboring plot of land belonging to Shirsha Reddy. She was making frequent visits to Sangamitra's house during construction. After the completion of the house, Shirsha Reddy claims that since the house is built on his land, the house also belongs to her. In the alternative, she claims compensation from Sangamitra. Advise Sangamitra.  
(CO3) [Knowledge]

8. Explain the scope of privileged communications.

(CO4) [Knowledge]

9. Write a note on Section 06 of the Indian Evidence act, 1872

(CO4) [Knowledge]

10. Third person opinion when relevant? Explain with relevant provisions and case laws.

(CO5) [Knowledge]

## PART B

### ANSWER ALL THE FOLLOWING QUESTIONS

4 X 10 = 40M

11. Hemang was in the custody of the Police on suspicion of murdering Shariba ex-wife of Syed with whom Hemang married later. Police did not have any evidence against Hemang and could not recover the corpus of Shariba. One of the investigating officers became friendly with Hemang and took him for a drink. Hemang drank too much and in that stage, the investigating officer enquired about their relationship, etc. Slowly Hemang narrated everything about the relationship and the murder how he did it, who assisted him etc which was recorded on a tape recorder. Based on the statement given by Hemang in an intoxicated condition, police took the custody of Rajat who assisted Hemang and verified the statement after torture. He affirmed due to the pain of torture. Police recovered the dead body and some weapons as they stated. Whether the statements given by Hemang and Rajat are admissible in evidence. Elucidate with the correct provision of law and precedent.

(CO1) [Comprehension]

12. Miss.'X,' a blind woman who came to Bengaluru from Coimbatore to learn English music from 'Sangeetha Academy' at Indiranagar, traveled in an auto from Majestic bus station to Indiranagar. The auto driver Niranjan did not drive the auto the right way. He took a different route and stopped at a deserted place. He then went to the back seat where Miss.'X' was sitting and started sexually assaulting her. However, as she started screaming and wailing, two men, Jacob and Keshav, passing by on the street, came to her rescue. Meanwhile, two women-Indira and Shloka arrive at the scene of the incident. Jacob called the Sangeetha Academy teacher to come to the crime scene. Analyze the evidence and relevance of facts of Miss.'X' under the Indian Evidence Act, 1872.

(CO2) [Comprehension]

13. The relationship between Rahul and Nitya was not cordial. Nitya had gone to Court with a claim for maintenance against Rahul. With the intervention of their relations and well-wishers, the differences were patched up, and she withdrew the case. After that, Nitya returned to her marital home and started living with Rahul; this happened about 7-8 months before the fateful incident. On the intervening night of 25-9-2022/26-9-2022, Nitya was admitted to Jai Prakash Narain Hospital, Bangalore with extensive burn injuries on her body. On being informed about it by the duty constable, Sub Inspector, Surjan arrived at the hospital and obtained the medico-legal certificate of the deceased in which it was stated, among other things, that the story given by the patient was to the effect that her husband burned her by kerosene being poured on her after a fight between the two. On such information, a formal FIR under Section 307 IPC was registered. Later in the day at about 9.45 a.m. on receiving the information that Nitya expired at 8.35 a.m. the case was converted into one under Section 302 IPC. After investigation, a charge sheet under Section 302 IPC was filed against Rahul. Having denied the charge, Rahul faced trial. It was his case that the injuries sustained by the deceased were accidental and the incident occurred when she was trying to light the kerosene stove. The doctor stated that he found the deceased had 90% burns and that she was conscious, cooperative and oriented regarding time, place and person. The deceased made the statement in Hindi while the doctor recorded it in English. He did not read over and explain the contents of the document to the deceased and he also did not obtain her signature or thumb impression on the document. No other person had attested to the statement alleged to have been made by the deceased before the witness. The Medical Officer also in charge of the ward endorsed stating that the deceased was not in a fit condition to make the statement. The case is ripe for a final hearing. There is no other evidence connecting Rahul to the case. The court framed an issue of whether the dying declaration recorded by the Doctor is admissible or not. Substantiate your arguments with law and precedents.

(CO2) [Comprehension]

14. Nirbhy and two others were present at the flour mill of Suhas in Adugodi; Ram Singh, who was serving in the Army, and his brother, Vijay Singh, with two other persons, came before them and indiscriminately fired with the army weapon, which hit Surat, and he fell. In the course of firing, Shirsh Raj also was shot at, and he died. The informant, Nirbhy, rushed to the Police Station and lodged the report. It was also indicated that earlier, there was a fight between two groups of people, on account of which the accused persons had grudges and took revenge for the same. Based on the FIR described above, Sub Inspector Christee and her police staff reached the place of occurrence and found four people dead. The dead bodies of the four people above were sent to the hospital for postmortem examination and an autopsy. The investigating Officer got a warrant of arrest against the Appellant on the 16th of September 2018 and went to the Unit of the accused. She was informed by the Officers that Ram Singh had not rejoined after availing leave on the 15th of September, 2018. The Investigating Officer also requested custody of the stun gun, which had been issued to Ram Singh, but the Army Officers refused to hand over the stun gun. However, the Investigating officer approached the Army Authorities again and got eight stun guns. A test fire tested all those eight stun guns, and the Forensic Science Laboratory people identified one of those stun guns that had been used in firing at the deceased. Later, the Army Authorities established that the said gun had been issued to the accused, Ram Singh. After the completion of the investigation, a charge sheet was filed against Ram Singh, his brother Vijay Singh and their father Rulia Ram but Rulia Ram had died by then. So far as the Ram Singh is concerned, as he could not be found, he was declared proclaimed offender and his brother Vijay Singh was also declared a proclaimed offender. Since one of the accused persons had already died and two others were declared as proclaimed offenders, the Court recorded the statement of 27 witnesses under Section 299 of the Code of Criminal Procedure. Ram Singh was later arrested, and then on being committed by the learned Magistrate to the Court of Sessions, the Sessions Judge tried him for the offences charged. Out of the 27 witnesses who had been examined under Section 299 of the Code of Criminal Procedure, five had died by the time charges were framed against Ram Singh. Therefore, their statements recorded under Section 299 Code of Criminal Procedure were exhibited during the trial. Other witnesses who had also been examined under Section 299 Code of Criminal Procedure were examined as prosecution witnesses during the trial. Still, they did not support the prosecution and were declared hostile. In his statement under Section 313, Ram Singh pleaded innocence and denied his collaboration with the crime. The medical evidence of the doctors who had conducted the autopsy over the dead bodies holds that the four persons died because of gunshot injuries and injuries were ante mortem in nature. Now, the matter is posted for hearing, and you appear for Prosecution. Submit your argument with relevant law and case laws.

(CO4) [Comprehension]

### PART C

**ANSWER ALL THE FOLLOWING QUESTIONS**

**2 X 20 = 40M**

15. Explain the doctrine of Estoppel and kinds of estoppel. Elucidate the same through relevant cases.  
(CO4) [Application]
16. Write a note on Section 114 A of the Indian Evidence Act, 1872  
(CO2) [Application]

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