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**Presidency University**

**Bengaluru**

**SCHOOL OF LAW**

**Make-Up Examinations, July- 2024**

**Winter Semester**: V

**Course Code**: LAW115

**Course Name**: LAW OF EVIDENCE

**Date**: 05/07/2024

**Time**: 9:30am to 12:30pm

**Max Marks**: 100

**Weightage**: 50%

**Instructions:**

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

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Write a short note on Public document.
2. Comment briefly on “Oral evidence in all cases whatever, be direct.”
3. Write a short note on dying declaration.
4. What do you understand by proof as to verification of digital signature?
5. What is the presumption as to absence of consent in certain prosecutions for rape?
6. “Evidence has to be weighed and not counted.” Explain.

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

1. In what circumstances statements made by persons who are dead or who otherwise cannot be called as witnesses, may be proved in a case?
2. The question is whether ‘X’ is child of ‘Y’, ‘X’ marries ‘Z’, five months after the marriage a son was born to ‘X’. Who is legally the father of the son?
3. In a trial for an offence, the prosecution adduces evidence of bad character of the accused. Th accused objects admissibility of prosecution evidence in the ground that he has not given evidence of his good character. Decide.
4. A 28-year-old document is filed by the plaintiff in a suit. Document is exhibited in evidence after three years. Will any presumption be available to such document in said suit?
5. Explain the scope of examination and chief, cross examination and re-examination under the Indian Evidence Act. State briefly their objects.
6. ‘A’ is being tried for writing an obscene letter. Explain whether the opinion of the following witness is admissible in case.
7. B is acquainted with the handwriting of A, opinion of B that letter is not in A’s handwriting.
8. B knows A for last 10 years, B’s opinion is that A can never write such letter.

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. Where A and B knocked on the door of the C’s flat and when the C opened it, A stabbed C in the chest and stomach with a knife and the two men then robbed the flat. The police were called and they arrived very soon after that. C, who was seriously wounded, told the police that he had been attacked by two men and gave the name of A and the name and address of the B before becoming unconscious. A statement made to a witness by the C of an attack describing how he had received his injuries is admissible in evidence or not. Res Gestae and the Hearsay Rule are the two intimately connected concepts under the Indian Evidence Act, 1872 as the former being the exception and latter being the rule. Elucidate with the help of case laws.

14. “There is a quiet little village touched by a road which ends there. Occasionally the driver A, who belongs to the village, comes there with his lorry for night rests. The night, on which the truck came, B, a man from the village was found lying dead by the road-side. The position of his (B’s) body and nature of his injuries creates a doubt B was dragged by a vehicle for a little distance and then one wheel ran over him. There was no dust storm, rain or mist to obstruct visibility. From these circumstances, certain facts may reasonably be inferred and many others can be safely presumed as a matter of probability. The facts tell a story beyond a shadow of a doubt that it is the work of the village lorry and it must have been negligently handled.” On the basis of above facts discuss the conditions with the help of case laws, are to be fulfilled when a case to be solely judged on the basis of circumstantial evidence and also differentiate between Direct and Circumstantial evidence with the help of case laws.

15. With respect to children, a child may be allowed to testify, if the court is satisfied that the child is capable of understanding the question put to him and give rational answers to the court. No absolute age is fixed by law within which they are exempted from giving evidence on the ground that they have not sufficient understanding. Actually it is not possible to lay down any specific rule regarding the degree of intelligence and knowledge which will render a child a competent or credible witness. So it is the discretion of the court to judge whether the child is capable of understanding the question put to him and give rational answers to the court. Explain competency of child witness? Can a Judge testify in a case being tried by him? Discuss the credibility of a single witness. Distinguish between Examination in Chief, Cross Examination and Re- Examination.