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PRESIDENCY UNIVERSITY BENGALURU

**SET - A**

SCHOOL OF LAW

**END TERM EXAMINATION – MAY/JUNE 2024**

**Semester :** Semester VI - 2021

**Course Code :** LAW3006

**Course Name :** Law of Evidence

**Program :** BA LLB Honors

**Date :** June 12, 2024

**Time :** 01.00pm to 04.00pm

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non-programmable calculator are permitted.*
4. *Do not write any information on the question paper other than Roll Number.*

**PART A**

**ANSWER ANY FOUR QUESTIONS 4Q X 5M = 20 MARKS**

* 1. Differentiate between judicial and extra-judicial confessions.
  2. Write short note on ‘Who may testify’.
  3. How will you prove the handwriting of an expert?
  4. “Evidence has to be weighed and not counted.” Explain.
  5. State the rule regarding presumption of legitimacy during marriage?
  6. Write a short note on primary and secondary evidence.

(CO1) [Knowledge] (CO3) [Knowledge] (CO1) [Knowledge] (CO4) [Knowledge] (CO1) [Knowledge] (CO3) [Knowledge]

**PART B**

**ANSWER ANY FOUR QUESTIONS 4Q X 10M = 40 MARKS**

* 1. Illustrate the different kinds of presumption under Indian Evidence Act, 1872. When can the presumption under section 113B of Indian Evidence Act, 1872 be raised?

(CO1) [Application]

* 1. When the evidence of an expert is to be admitted? What is the difference between an expert and an ordinary witness. Discuss fully and illustrate your answer.

(CO3) [Application]

* 1. In a case, the date of birth of the accused is in question. Whether this matter may be referred to a radiologist as an expert under Section 45 of the Indian Evidence Act, 1872?

(CO1) [Application]

* 1. Is birth during marriage, conclusive proof of legitimacy? What is the presumption as to abetment of suicide by married women? What is presumption as to dowry death?

(CO3) [Application]

* 1. ‘A’ sues ‘B’ on an agreement and gives ‘B’ notice to produce it. At the trial ‘A’ calls for the document and ‘B’ refuses to produce it. ‘A’ gives secondary evidence of its contents. Can ‘B’, in order to contradict secondary evidence, produce original document as evidence before the court?

(CO1) [Application]

* 1. ‘Oral evidence in all cases must be direct.’ Explain this rule with illustrations and exceptions.

(CO4) [Application]

**PART C**

**ANSWER ANY TWO QUESTIONS 2Q X 20M = 40 MARKS**

* 1. The child witness was sleeping with the deceased father at the relevant time of incident and was awakened by the sound of the fatal blow of the axe on the neck of the deceased. Seeing it, the child shouted to his mother for help by naming the accused as assailant. On hearing the sounds the mother and sisters of the child and other witnesses gathered at the spot. As per the facts of the case can the shout of the child naming the accused as assailant be admissible as forming part of same transaction? Decide. Also, explain the doctrine of Res Gestae an exception to Hearsay Evidence with judicial observations.

(CO1) [Analysis]

* 1. Vijay is a student at the Punjab University. The attendance rules of the university published in the academic calendar and also put on the notice board, indicate that a student failing to put in a minimum prescribed percentage of attendance will not be allowed to write the exams. The Registrar notifies a list of students with attendance shortage and declares Vijay to be one of the students not eligible to write the exam. The exam department by mistake allows him to write the exams. But his results are withheld and Vijay is asked to repeat the examination. Vijay proceeds against the university and sets up a plea of estoppel. Decide.

(CO3) [Analysis]

* 1. A case where the statement was given by the deceased A, to his father, B that I inhale the poison because of my heartbreak and the same was conveyed to the police. B, Father of the deceased A, also said that the deceased A was conscious and in a fit state of mind and the same was endorsed by the autopsy report. After that when the police investigate the matter it was found to be true that the cause of his suicide is the girl who used to aid and abet him to commit the suicide. The statement was recorded by the normal person (father).

Critically analyze the admissibility of the statement. On the basis of above illustration explain that who can record the dying declaration and also discuss the evidentiary value of dying declaration with the help of case laws.

(CO4) [Analysis]