PRESIDENCY UNIVERSITY, BENGALURU
SCHOOL OF LAW

Weightage: 40 %　　　Max Marks: 40　　　Max Time: 3 Hrs.　　　8 May 2018, Tuesday

ENDTERM FINAL EXAMINATION MAY 2018

Even Semester 2017-18　　　Course: **LAW115 Law of Evidence**　　　VI Sem. Law

Instruction:

(i) *Read the question properly and answer accordingly.*

(ii) *Question paper consists of 3 parts.*

Part A

(3 Q = 15 Marks)

1. What are the cases in which statement of relevant fact by a person who is dead becomes relevant? **(10 M)**

2. When do statements as to any law contained in law-books become relevant? Give suitable examples. **(2.5 M)**

3. Under what circumstances evidence given by a witness in a judicial proceeding is relevant in a subsequent judicial proceeding? Illustrate your answer **(2.5 M)**

Part B

(5 Q = 15 Marks)

4. Discuss the relevancy of judgments under section 40, 41 and 42. **(5 M)**

5. Elaborate upon the facts which need not be proved. **(5 M)**

6. Who are dumb witnesses? **(1 M)**

7. What are leading questions? **(1 M)**

8. When does oral evidence exclude documentary evidence? Elaborate upon the provisions pertaining to the same. **(3 M)**

Part C

(1 Q x 10 = 10 Marks)

9. What is burden of proof? On whom dies it lie? Discuss the provisions on burden of proof as contained in the Indian Evidence Act, 1872. **(10 M)**

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Weightage: 30 %   Max Marks:30   Max Time: 2 HRS.   2 March Friday 2018

MID TERM EXAMINATION   SET   A

Even Semester 2017-18   Course: **LAW115 Law of Evidence**   VI Sem. Law

Instruction:
- (i) *Read the question properly and answer accordingly.*
- (ii) *Question paper consists of 3 parts.*

Part A

(1Q x 12M = 12 Marks)

1. Define and explain the following with illustrations:

   a) Fact, Relevant Fact and Facts in issue   (4M)

   b) Proved, Disproved, Not Proved   (4M)

   c) May Presume, Shall Presume, Conclusive Proof   (4M)

Part B

(2Q x 5M = 10 Marks)

2. A) The question is, whether A committed a crime at Calcutta on a certain day. The fact that, on that day, A was at Lahore is relevant. The fact that, near the time when the crime was committed, A was at a distance from the place where it was committed. Which would render it highly improbable, though not impossible, that he committed it, is relevant.

   In the above illustration, why is A's location a relevant fact? Discuss the appropriate section allowing the same as relevant fact.

   B) A is accused of burning down his house in order to obtain money for which it is insured. The facts that A lived in several houses successively each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

   In the above illustration, how and on what basis relevant facts have been identified? Mention the relevant section.   (2.5+2.5M)

3. What are admissions? By whom can they be made?   (5M)

(2 Q x 4 M = 8 Marks)

4. Under what circumstances, facts necessary to explain or introduce relevant facts are relevant? Discuss the same with the help of suitable illustrations and relevant section.

5. A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

In the above illustration how are the relevant facts identified? Explain the same with suitable examples. Mention the relevant section under which such facts are admissible in evidence.