

LL.B. (3Years Course)(with Credits)-Regular-Semester 2012 Sem V
LLB3-353-Course Code 5.3: Law of Evidence Paper-III

P. Pages : 2

Time : Three Hours



GUG/W/16/3196

Max. Marks : 80

- Notes : 1. Attempt **eight** questions in all including Q.No.1 which is compulsory.
2. All questions carry equal marks.

1. Choose the correct alternative for the following from the options given below each statement.
- Under the law of evidence, as a general rule -----.
 - Opinion on a matter of fact is relevant but not on a matter of law.
 - Opinion on a matter of law is relevant but not on a matter of fact.
 - Opinion on a matter of fact and law both are relevant.
 - Opinion whether on a matter of fact or law, is irrelevant.
 - Law of evidence is -----.
 - Lex tallienis
 - Lex fori
 - Lex loci solutionis
 - Lex situs
 - Under the provisions of the Indian Evidence Act, 1872 for an admission to be considered as an substantive evidence.
 - Need not be voluntary
 - Must be Judicial admission
 - Must be binding to the question of law
 - Need not be in writing
 - For dying declaration to be reliable -----.
 - They must be made before magistrate
 - They must be accompanied by a doctor's certificate
 - Must be in the language understood by the person making the declaration
 - It need not be corroborated
 - The evidence of the character of any party of the suit is generally irrelevant unless --.
 - The case is civil case
 - The case is a Criminal case and the evidence shows the party as having bad character
 - The party's general character itself is an issue
 - None of the above
 - A Child witness below the age of ----- cannot give evidence in the Indian Courts.
 - 15 years
 - 12 years
 - 10 years
 - There is no such limit
 - Which of the following statements is not true for the principle of Estoppels?
 - It cannot operates against statute
 - It cannot operate on point of Law
 - It does not require fraudulent intentions
 - It can be ambiguous

- viii) In which of the following cases the evidence given by the witness will NOT be relevant under section 33 of the Indian Evidence Act, 1872?
- a) When the witness is staying abroad
 - b) When the witness is dead
 - c) When the witness cannot be found
 - d) When the witness is in coma
- ix) What do you understand by libelous character?
- a) Constituting or containing a libel
 - b) Constituting or containing a praise
 - c) Constituting or containing a commendation
 - d) None of the above
- x) Which of the following is not applicable to taxation matters?
- a) Estoppel by record
 - b) Estoppel by deed
 - c) Estoppel in pais
 - d) All of the above

2. Write short notes on **any two** of the following.

- i) Contradiction.
- ii) Oral Evidence.
- iii) Admission
- iv) Documentary evidence.

3. Define the term evidence. Explain different types of evidence.

4. Examine the provisions relating to "Confession" under the Evidence Act, 1872

5. Explain the relevancy of 'Motive', 'Preparation' and 'Conduct' with reference to Indian Evidence Act, 1872

6. What do you mean by 'dying declaration'? Under what circumstances dying declaration is admissible under Indian Evidence Act?

7. State and explain the provisions regarding competency of witnesses.

8. What is fact? When a fact not otherwise relevant become relevant?

9. What are privileged communication? Explain.

10. Enumerate the cases/ circumstances in which secondary evidence relating to documents may be given.

11. Explain "Examination-in-chief", "Cross-examination" and "Re-examination".

12. Explain fully the rule of presumption relating to 30 years old document. What is the principle involved in this rule? Whether the presumption apply to certified copies of such document?
