

Con. 2180-11.

Evidence

April 2011

MT-6252

(3 Hours)

[ Total Marks : 100

- N.B. :** (1) Attempt **all** questions.  
 (2) **Figures** to the **right** indicate the marks **allotted**.

1. Answer the following in **not more than two** lines :— 20
  - (a) Define an admission.
  - (b) When is the opinion of a Handwriting Expert relevant ?
  - (c) State the main legal position of a Dumb witness.
  - (d) What is a leading question ? When it cannot be asked ?
  - (e) Explain in short 'Judgements in Rem' and 'Judgements in Personam'.
  - (f) What is the evidentiary value of an accomplice ?
  - (g) Explain in short Power of Court to put questions and effect thereupon.
  - (h) When 're-examination' of a witness can be asked for ?
  - (i) To which Proceedings the Evidence Act is not applicable ?
  - (j) What is the necessity and scope of Cross Examination of a witness ?
  
2. Write short notes on any **four** :— 20
  - (a) Relevancy of opinion as to right, custom and usages.
  - (b) Production of documents during the trial.
  - (c) Evidential value of a public document.
  - (d) Explain the burden of proof with reference to cases pertaining to relationship between :—
    - (i) Partners interse (ii) Principal and agent and (iii) Death of a person.
  - (e) Critically comment on facts which need not be proved.
  - (f) Explain the presumptions under the Evidence Act.
  
3. Solve any **two** of the following with reasons or justification :— 12
  - (a) Dilip made a statement to a police that he has cut the throat of his wife with a knife and the said knife is lying in a water tank which is in the kitchen. In consequence of the said statement, the police found the knife at the place indicated in the statement.
    - (i) Which part of the statement is admissible ?
    - (ii) Which part of the statement is not admissible ?
  - (b) Ashok who is an accused for the offence of murder, issued a letter to a police officer explaining therein how he has committed the murder.
    - (i) Whether this letter of Ashok can be called a confession ?
    - (ii) What is the evidential value of the said letter ?
  - (c) A lawyer in the course of his employment as a legal adviser, received certain information and instructions, from his client, which was confidential in nature. After the death of the said client, the lawyer was called upon to give evidence and to disclose certain information received from the deceased client, mentioned above.
    - (i) Is the lawyer permitted to do so ?
    - (ii) How is the lawyer protected under the Evidence Act, in the above situation ?
  
4. Answer in full details any **four** :— 48
  - (a) Explain the burden of proof relating to ownership, birth, marriage and dowry death.
  - (b) Explain in detail kinds of confessions and consequences of a confession.
  - (c) What is dying declaration and its evidential value ?
  - (d) Explain in detail what is Estoppel and distinguish it from admission.
  - (e) 'Oral evidence and documentary evidence are the foundation stones of any trial'. Comment.
  - (f) Explain and distinguish between Direct Evidence and Circumstantial Evidence.

[ TURN OVER