

Sem. VI

May 2017

Q.P. Code :13239

[Time: Three Hours]

[ Marks:100]

Please check whether you have got the right question paper.

N.B: 1. All question are compulsory.

- Q.1** Answer in one or two sentences. 20
- Birth during marriage conclusive proof of legitimacy. Explain?
  - What is confession?
  - About what facts evidence can be given?
  - What is May Presume?
  - When oral admission as to contents of documents relevant?
  - Can a witness be excused from answers on the ground that answer will criminate him?
  - Character when relevant
  - What is public Document?
  - Who may testify?
  - What is the presumption as to electronic records five years old as per section 90-A?
- Q.2** Write short notes on the following (Any Four) 20
- Leading questions
  - Refreshing Memory
  - Professional Communication
  - Explain the law regarding cross examination of a witness as to previous statement
  - Presumption as to Gazettes in electronic forms
  - Admissibility of electronic records
- Q.3** Solve any two of the following with reasons or justifications. 12
- 'A' is tried for a crime
    - The Fact that he said something indicating an intention to commit that particular crime is relevant. Give reason.
    - The fact that he said something indicating a general disposition to commit crimes of that class is relevant. Give reason.
  - A Barrister is instructed by an attorney or Vakii that important witness is a dacoit. Can the barrister ask the witness he is dacoit? Give reason
    - A witness of whom nothing whatever is known being questioned to his mode of life and means of living gives unsatisfactory answers. Whether witness can be ask he is a dacoit? Give reason
  - 'A' is tried for a riot & is proved to have marched at the head of a mob
    - Whether the cries of the mob are relevant? If yes, under what provision of law? Give reason
    - In the instant case if the mob was silent during the march, what difference it will make on A's Trial?
- Q.4** Answer in detail (ANY FOUR) 48
- Explain what is examination in chief, Cross examination and re-examination? When it is held and for what purpose?
  - Describe in detail theory of relevancy.
  - Explain in detail with provision when the confession is relevant and when it is irrelevant.
  - Explain in detail the provision of section 32 of Indian Evidence Act regarding statement of a person who is dead or cannot be found etc.
  - Define evidence. Explain different types of evidence. Explain their evidential value.
  - Explain in detail motive, preparation & previous or subsequent conduct when relevant.