

(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
- Define 'document'. Give any three examples.
  - 'Quality and not quantity of witnesses is seen to decide merits of a case'. On this statement state how many witnesses are required to establish a given fact in Court ?
  - What do you understand by 'evidence' ?
  - Explain 'Res Gestae'.
  - What is a digital signature ?
  - How will you record evidence of a person who does not know the language of the court or local language, in the court trial ?
  - Distinguish between Admission and Confession.
  - What is 'hearsay' evidence ? How is it admissible ?
  - What are scandalous questions ? How the court has to treat them in examination of witnesses ?
  - Who is an 'approver' ? Can his evidence solely lead to a conviction ?
2. Write short notes on any **four** :- 20
- Define a hostile witness. Can any part of his evidence be used for establishing certain facts ?
  - Comment on burden of proof and onus of proof.
  - Previous character of a person in civil and criminal cases — from the angle of relevancy.
  - Facts of which judicial note can be taken and no formal evidence is required.
  - Cross examination as a tool for success of a criminal side lawyer.
  - A child witness.
3. Solve any **two** of the following with reasons or justification :- 12
- Ram and Rajan were best friends. They went for a party hosted by their friend. After the party both of them went away saying bye to all friends on the motorcycle of Ram. Next day Rajan went missing. Ram could not explain where he dropped Rajan after the party
    - State the criminal liability that may be attributed to Ram, as per the provision of Evidence Act ?
    - Can Ram give evidence of rebuttal ?

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- (b) Mr. Sadashiv is a panch witness. The case is of dacoity. He refreshes his memory by reading the Panchanama given in that case. The Panchanama was not proved and hence was rendered inadmissible in evidence.
- (i) Can Mr. Sadashiv refresh his memory by the use of such panchanama ?
  - (ii) Narrate the rules for refreshing memory under the law of evidence, which Mr. Sadashiv can use.
- (c) Savita was strangulated and stabbed in the abdomen by her husband, who was angry as she could not bring the dowry amount as per his claim, from her presents. She was admitted in the hospital by her neighbours and she narrated to them that her husband had caused her injuries. She also told the same to the police on duty of Hospital Police Chowki. She later dies.
- (i) What is the value of what she narrated to her neighbours, in the trial that would be held against her husband ?
  - (ii) Can what she narrated to the on duty policeman, be treated as a dying declaration u/s 32 of the Indian Evidence Act ?

4. Answers in full details any **four** :-

48

- (a) Explain in detail the types and chronological order of examination of witnesses. Why is such type of examination of witnesses necessary ?
  - (b) What are the various types of evidence ? Explain each.
  - (c) Fully elaborate the concept of 'Burden of Proof'.
  - (d) Critically examine the concept of 'Estoppel'.
  - (e) When can secondary evidence be admissible ? What is secondary evidence ? Give 2 examples.
  - (f) Explain elaborately stages in a crime. Is the fact of accused wandering near about a WIP's residence to commit this murder relevant ?
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