



## **BRAINWARE UNIVERSITY**

**Term End Examination 2024-2025**

**Programme – BBA LL.B.-2021**

**Course Name – Law of Evidence**

**Course Code - BBALLB701**

**( Semester VII )**

**Full Marks : 60**

**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

### **Group-A**

(Multiple Choice Type Question)

1 x 15=15

1. *Choose the correct alternative from the following :*

(i) Select the meaning of the maxim omnia proesumuntur rite esse acta.

- |   |  |
|---|--|
| a) all acts are presumed to be rightly done | b) all acts are presumed to be not rightly done  |
| c) all acts are presumed to be wrongly done | d) all acts are presumed to be not wrongly done. |

(ii) Choose in a criminal trial, the burden of proof lies on:

- |                    |                |
|--------------------|----------------|
| a) The prosecution | b) The defense |
| c) The judge       | d) The witness |

(iii) Choose in a criminal trial, the burden of proving a fact lies on:

- |                    |                |
|--------------------|----------------|
| a) The prosecution | b) The defense |
| c) The judge       | d) The witness |

(iv) Choose when a person is accused of any offense and has a plea of alibi, the burden of proving it lies on:

- |                    |                    |
|--------------------|--------------------|
| a) The prosecution | b) The accused     |
| c) The judge       | d) The eye witness |

(v) Tell the primary objective of the doctrine of Res Gestae:

- |  |                               |
|--|-------------------------------|
| a) To exclude evidence                       | b) To admit evidence          |
| c) To determine the credibility of a witness | d) To delay the trial process |

(vi) Identify which of the following is not a requirement for Res Gestae:

- |   |   |
|---|---|
| a) It must be a spontaneous event                 | b) It must be closely connected to the main event |
| c) It must be contemporaneous with the main event | d) It must be a written document                  |

- (vii) Cite how admissions bind the maker and represented:
- a) in so far as it relates to facts
  - b) in so far as it relates to question of law
  - c) both on questions of facts & of law
  - d) Neither in so far as it relates to facts nor in so far as it relates to question of law
- (viii) Select admission to be relevant must show that :
- a) must be made to the party concerned & not to a stranger
  - b) must be made to a stranger
  - c) It is immaterial as to whom admission is made and an admission made to a stranger is relevant.
  - d) it is immaterial to whom the admission is made but must be made to someone intimately connected & not a stranger.
- (ix) Select from the following admissions can be showed as :
- a) must be examined as a whole and not in parts
  - b) can be examined in parts
  - c) can be examined as a whole or in parts
  - d) Both can be examined in parts & can be examined as a whole or in parts are correct
- (x) Which group do experts believe will benefit most from the new provisions of the law?
- a) Defendants
  - b) Prosecutors
  - c) Victims
  - d) Judges
- (xi) What aspect of the criminal justice system do experts highlight as needing improvement?
- a) Public perception
  - b) Funding for urts
  - c) Speed of justice
  - d) Legal fees
- (xii) Which of the following is NOT a permissible method to prove the character of the accused?
- a) Reputation
  - b) Prior nvictions
  - c) Witness testimony
  - d) Character affidavits
- (xiii) What does Section 54 of the Bharatiya Sasha Adhiniyam 2023 state about the character of the accused?
- a) It can be used to prove guilt
  - b) It cannot be used to show propensity
  - c) It is always admissible
  - d) It must be proved beyond doubt
- (xiv) Which of the following statements is true regarding character evidence under the Bharatiya Sasha Adhiniyam 2023?
- a) It can be used as the sole basis for nviction
  - b) It can be introduced by the prosecution
  - c) It is irrelevant in civil cases
  - d) It requires rroborative evidence
- (xv) What is the primary purpose of the Bharatiya Saksha Adhiniyam 2023?
- a) To enhance foreign trade laws
  - b) To regulate digital evidence
  - c) To reform Indian evidence laws
  - d) To introduce new criminal codes

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. What is judicial notice? (3)
3. What is an admissible piece of evidence? (3)
4. When facts not otherwise relevant become relevan under BSA 2023? (3)
5. Express in your own words when existence of course of business when relevant. (3)
6. Evaluate the relevance of expert opinion under Bharatiya Shaksha Adhiniyam. (3)

OR

Evaluate the scope of an experts testimony under Section 39 of BSA 2023 (3)

**Group-C**  
(Long Answer Type Questions)

5 x 6=30

7. State the purpose and evidentiary value of the Test Identity parade in a criminal proceeding. (5)
8. Describe the different kinds of evidence those are being appreciated in the Indian Evidence Act 1872. (5)
9. Discuss the case Khushal Rao v. State of Bombay. (5)
10. Examine the efficacy of the new provisions added under BSA 2023. (5)
11. Distinguish between estoppel and resjudicata. (5)
12. Explain how handwriting can be proved. (5)

**OR**

- Distinguish between oral evidence and documentary evidence. (5)

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