



BRAINWARE UNIVERSITY

Term End Examination 2024-2025

Programme – LL.B.-2023

Course Name – Law of Evidence

Course Code - LLB301

(Semester III)

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) Identify the case in which circumstantial evidence is best illustrated
- | | |
|----------------------|-------------------------|
| a) Hanumant Rao case | b) Harmendar Singh case |
| c) Dharpal Teza Case | d) Bilas Rao case |
- (ii) 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. |
- (iii) Name the person by whom Indian Evidence Act was drafted
- | | |
|-----------------|----------------------|
| a) Lord Maculay | b) Sir James Stephen |
| c) Sir Huxley | d) Sir Henry Maine |
- (iv) Identify from the following the appropriate definition of fact in issue
- | | |
|---|--|
| a) Fact in existence or non existence of which is admitted by the parties | b) Fact in existence or non existence of which is disputed by the parties. |
| c) None of these | d) All of these |
- (v) Identify circumstantial evidence is also recognized as which kind of evidence under the Indian Evidence Act
- | | |
|--------------------|----------------------|
| a) Direct Evidence | b) Indirect Evidence |
| c) All of these | d) None of these |
- (vi) State from the following relevancy and admissibility under the Evidence Act are recognized as what of the following
- | | |
|-------------------------------------|------------------|
| a) Synonymous | b) Co-extensive |
| c) Both Synonymous and Co-extensive | d) None of these |
- (vii) Select from the following the appropriate nature of law of Evidence
- | | |
|-----------------|--------------|
| a) Lex talliems | b) Lex fori |
| c) Lex Loci | d) Lex situs |
- (viii) Identify what A must prove if A wishes to prove a dying declaration by B.

- a) B's death.
- b) The statement in the date of the letter is admissible, because, if A were dead, it would be admissible under Section 29, clauses (2)
- c) The statement in the date of the letter is admissible, because, if A were dead, it would be admissible under Section 32, clauses (2)
- d) The statement in the date of the letter is admissible, because, if A were dead, it would be admissible under Section 34, clauses (2)
- (ix) Choose in a criminal trial, the burden of proof lies on:
- a) The prosecution
b) The defense
c) The judge
d) The witness
- (x) Choose in a criminal trial, the burden of proving a fact essential to the defense lies on
- a) The prosecution
b) The defense
c) The judge
d) The witness
- (xi) 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
- (xii) Tell the primary objective of the doctrine of Res Gestae is
- a) To exclude evidence
b) To admit evidence
c) To determine the credibility of a witness
d) To delay the trial process
- (xiii) Identify which of the following is NOT a requirement for an event to be considered part of 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
- (xiv) Tell in which landmark Indian case did the doctrine of Res Gestae play a significant role
- a) The K.M. Nanavati case
b) The D.B. Cooper case
c) The O.J. Simpson case
d) The Enron scandal case
- (xv) Identify which of the following terms is most closely related to Res Gestae
- a) Alibi
b) Corpus delicti
c) Habeas corpus
d) Modus operandi

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Describe the term Public Document. (3)
3. Examine the scope of burden of proof when any fact is especially within the knowledge of any person. (3)
4. State the circumstances when opinions of third person relevant according to Indian Evidence Act. (3)
5. What is judicial notice? (3)
6. Distinguish between expert witness and ocular witness. (3)

OR

- Explain the law relating to burden of proof in cases of Dowry-death. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Distinguish between oral evidence and documentary evidence. (5)
8. Assess the witness protection scheme. (5)

- 9. Write down the evidentiary value of expert evidence. (5)
 - 10. Write down the burden of proving fact especially within knowledge. (5)
 - 11. Write about the concept of privileged communication. (5)
 - 12. Distinguish between estoppel and resjudicata. (5)
- OR**
- Explain the presumption relating to consent in rape cases. (5)

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