



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21

Programme – Bachelor of Law
 Course Name – Law of Evidence

Course Code - LLB301

Semester / Year - Semester III

Time allotted : 75 Minutes

Full Marks : 60

[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 60=60

1. (Answer any Sixty)

(i) When a man is prosecuted for making speeches promoting hatred and enmity between different communities his speech is

- | | |
|--------------------------------|--------------------------------|
| a) Irrelevant | b) Admissible under Section 12 |
| c) Admissible under Section 13 | d) Admissible under Section 14 |

(ii) The Law Evidence consists of

- | | |
|--------------------------------|-----------------------------|
| a) Ordinary rules of reasoning | b) Legal rules of reasoning |
| c) Rules of Logic | d) All of these |

(iii) Under the law of Evidence as a general rule

- | | |
|---|--|
| a) Opinion on a matter of fact is relevant but not on a matter of law | b) Opinion on matter of law is relevant but not on a matter of fact. |
| c) Opinion on a matter of fact and law both are relevant. | d) None of these |

(iv) The Evidence Act applies before

- | | |
|--------------------------------|----------------------------------|
| a) Proceedings before tribunal | b) Proceedings before arbitrator |
| c) Judicial proceedings | d) All of these |

(v) Facts can be

- | | |
|-------------|------------------|
| a) Physical | b) Psychological |
|-------------|------------------|

- c) Both Physical and Psychological d) Mystic

(vi) Fact in issue means

- 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

(vii) Evidence under Indian Evidence Act means and includes

- a) Ocular b) Documentary
c) Both Ocular and Documentary d) None of these

(viii) Several classes of facts which are connected with the transactions in a particular mode are relevant

- a) Under Section 6 b) Under Section 7
c) Under Section 8 d) Under Section 9

(ix) Motives of preparation and conduct are relevant

- a) Under Section 6 b) Under Section 7
c) Under Section 8 d) Under Section 9

(x) The concept of res gestae is there under

- a) Section 6 b) Section 7
c) Section 8 d) All of these

(xi) Presumptions under Indian Evidence Act be

- a) Rebuttable b) Irrebuttable
c) Mixed d) All of these

(xii) The definition of Evidence is

- a) Exhaustive b) Not exhaustive
c) Exemplary d) None of these

(xiii) Primary Evidence may be

- a) Oral
- b) Documentary
- c) All of these
- d) None of these

(xiv) Fact includes

- a) Fact in issue
- b) Relevant Fact
- c) All of these
- d) None of these

(xv) Circumstantial evidence is best illustrated in

- a) Hanumant Rao case
- b) Harmendar Singh case
- c) Dharpal Teza Case
- d) Bilas Rao case

(xvi) The term T.I parade is stated under Section

- a) 9
- b) 10
- c) 11
- d) 12

(xvii) Evidence Act came into effect in the year

- a) 1872
- b) 1875
- c) 1972
- d) 1992

(xviii) An admission is NOT relevant in a civil case if it is-

- a) Relevant otherwise than as an admission
- b) Proceeding from a person in authority
- c) Made under circumstances from which the court can infer that the parties agreed together that evidence of it should not be given
- d) Made by a pleader, attorney or a vakil

(xix) Which of the following is true of the effects of admissions?

- a) an admission constitutes a substantive piece of evidence
- b) an admission has the effect of shifting the onus of proving to the contrary on the party against whom it is produced, with the

of evidence in the case and, for that reason, can be relied upon for proving the truth of the facts incorporated therein.

result that it casts an imperative duty on such party to explain it. In the absence of a satisfactory explanation, it is presumed to be true.

c) an admission, in order to be competent and to have the value and effect referred in the previous options should be clear, certain and definite, and not ambiguous, vague to be true.

d) All of these.

(xx) Admissible evidence is thus that which is:

a) relevant

b) not excluded by any rule of law or practice

c) Either relevant or not excluded by any rule of law or practice

d) Both relevant and not excluded by any rule of law or practice

(xxi) The history sheet of an accused person, kept in the police station is not a man's character, as it is based on:

a) conviction

b) hearsay

c) investigation

d) None of these

(xxii) The principle on which a dying declaration is admitted in evidence is indicated in legal maxim:

a) nemo moriturus proesumitur mentiri

b) lex fori

c) res judica

d) None of these

(xxiii) Declaration in course of business are admissible:

a) under section 32(1) of Evidence Act

b) under section 32(2) of Evidence Act

c) under section 32(4) of Evidence Act

d) under section 32(7) of Evidence Act

(xxiv) Which of the following are true for Section 27, Indian Evidence Act? I. There must be information II. It does not matter whether the information amounts to confession or not III. That person must be whether the information

amounts to confession or not IV. In consequence of the information a fact must be deposed to as discovered V. In such a case so much of the information as relates distinctly to the fact thereby discovered may be proved

- a) I, III and V
- b) II, III and V
- c) III, IV and V
- d) All of these

(xxv) Which of the following is true concerning retracted confession?

- a) It is the law that once a confession is retracted, the Court should presume that it was tainted and be thrown overboard
- b) The retracted confession of co-accused is very weak and if retracted, the same is admissible against the maker of it
- c) The Court is bound to take the factum of retraction of confession
- d) Retracted confession must be looked upon with lesser concern

(xxvi) Which class of persons does Section 18, Indian Evidence Act lies down who can make admissions? I. Party to the proceeding II. Agent authorised by a party III. Party suing or sued in a representative character, making admissions while holding such character IV. Persons who has any proprietary or pecuniary interest in the subject-matter of the proceedings, during the continuance of such interest V. Persons from whom the parties to the suit have derived their interest in the subject- matter of the suit, during the continuance of such interest

- a) I and III
- b) II
- c) IV and V
- d) All of these

(xxvii) Under the provisions of Indian Evidence Act, 1872, in which of the following cases will the oral admission as to the contents of electronic records will be relevant?

- a) When the electronic records deal with financial transactions
- b) When the electronic records do not deal with financial transactions
- c) When the genuineness of the electronic records is in question
- d) When the genuineness of the electronic records is not in question

(xxviii) In a certain case a police officer sat with the accused and read over to him the statements which he has taken from others and then told him “I know

the whole thing now”, and the accused thereon made a statement inconsequence of which he was arrested and his confession was subsequently recorded before the magistrate. The confession given by the accused-

- a) Is free and voluntary and admissible as evidence
- b) Is made in response to the threat of the police officer and as such not admissible
- c) Is extra-judicial in nature and as such not admissible
- d) Is made before the police officer as such not admissible

(xxix) Which of the following are admissible under section 27 of the Indian Evidence Act, 1872?

- a) Recovery of weapon of offence at the pointing of the accused when he was not in police custody
- b) Recovery of articles buried at the public road at the pointing of the accused
- c) Recovery of the weapon made by the pointing of the accused while he was handcuffed
- d) The weapon of offence found lying in the house when the house was opened

(xxx) An accused made a confession to a panchayat, before arrest. After the confession the accused was kept in custody of the villagers for more than 24 hours, till the arrival of the police officer. The police officer formally arrested the accused and sent him before the magistrate who recorded the confession. The total time between the confession before the panchayat and the confession before the magistrate was 48 hours. The evidence is-

- a) Admissible as it is given before the magistrate without any undue influence
- b) Admissible as it was given before the arrest to the people who were not in authority
- c) Inadmissible as the improper influence of the panchayat continued till the time of confession
- d) Inadmissible as it was given before the arrest to the people who were in authority

(xxxi) A confession made by a conspirator involving other members is relevant against the coconspirator jointly tried with him and is admissible:

- a) under section 8 of Evidence Act
- b) under section 10 of Evidence Act
- c) under section 30 of Evidence Act
- d) Both under section 10 of Evidence Act &

under section 30 of Evidence Act

(xxxii) Admissions:

- 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

(xxxiii) Propositions under Evidence Act are: I. Statement is a genus, admission is a species & confession is a sub species. II. Statement & admission are species & confession is a sub species. III. Statement & admission are genus & confession is a species. In this context which of the following is correct:

- a) I is correct, II & III are incorrect
- b) I & II are correct & III is incorrect
- c) II & III are correct & I is incorrect
- d) III is correct & I & II are incorrect.

(xxxiv) Section 23, Indian Evidence Act excludes the admission of parties in civil cases if:

- a) The admission is made upon an express condition that evidence of it is not to be given
- b) Circumstances from which the Court infers that the parties agreed that evidence of the admission should be given apart from what is mentioned in the explanation of the section
- c) Either The admission is made upon an express condition that evidence of it is not to be given or Circumstances from which the Court infers that the parties agreed that evidence of the admission should be given apart from what is mentioned in the explanation of the section
- d) None of these

(xxxv) Accused wants to submit a document for consideration under section 35 of the Indian Evidence Act, 1872. In which of the following cases will the document become irrelevant?

- a) It does not deal with a fact in issue
- b) It does not deal with a relevant fact

- c) It is not an entry made in public or other official book, register or record d) It is not an entry made by public servant

(xxxvi) B, an accused wants to submit carbon copy of the suicide note as secondary evidence. The original is with the opposite party and he has failed to produce the same. The suicide was not within the knowledge of the accused prior to the receipt of carbon copy. Which of the following statements will hold true for the case?

- a) The evidence cannot be admitted due to applicability of section 30 of the Indian Evidence Act b) The evidence cannot be admitted because it fails to satisfy the requirements of section 64 of the Indian Evidence Act, 1872
- c) The evidence cannot be admitted because it fails to satisfy the requirements of section 65 of the Indian Evidence Act, 1872 d) The evidence can be admitted as it satisfies the requirements of both section 64 and section 65 of the Indian Evidence Act, 1872

(xxxvii) According to section 65 of the Indian Evidence Act, 1872 the secondary evidence can be admitted in _____ exceptional cases.

- a) Three b) Five
c) Seven d) Nine

(xxxviii) Which of the following section of the Indian Evidence Act deals with proof of other official documents?

- a) Section 78 b) Section 82
c) Section 71 d) Section 74

(xxxix) Which of the following section prescribe the method by which signature can be proved?

- a) Section 45, Indian Evidence Act b) Section 46, Indian Evidence Act
c) Section 47, Indian Evidence Act d) Both Section 45, Indian Evidence Act and Section 46, Indian Evidence Act

(xl) A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. Applying Section 115, Indian Evidence Act:

- a) He must be allowed to prove his want of title
- b) He may be allowed to prove his want of title
- c) He must not be allowed to prove his want of title
- d) None of these

(xli) If a contract be contained in several letters it must be proved by

- a) All the letters
- b) By valid attestation of the signature by two witnesses as required by law
- c) Both All the letters and By valid attestation of the signature by two witnesses as required by law
- d) None of these

(xlii) Opinions of experts are relevant:

- a) under section 45 of Evidence Act
- b) under section 46 of Evidence Act
- c) under section 47 of Evidence Act
- d) under section 48 of Evidence Act.

(xliii) Opinion of an expert under section 45 of Evidence Act:

- a) is a conclusive proof
- b) is not a conclusive proof
- c) is supportive & corroborative in nature
- d) Either is a conclusive proof or is supportive & corroborative in nature

(xliv) Entries in the books of accounts regularly kept in the course of business are admissible under section 34 of Evidence Act:

- a) if they by themselves create a liability
- b) if they by themselves do not create a liability
- c) irrespective of whether they themselves create a liability or not
- d) Either if they by themselves create a liability or if they by themselves do not create a liability

(xlv) The relationship in section 50 of Evidence Act means:

- a) relationship by blood only
- b) relationship by blood or marriage
- c) relationship by blood or marriage or adoption
- d) Only relationship by blood only and not relationship by blood or marriage & relationship by blood or marriage or adoption

(xlvi) Opinion as to relationship of marriage under section 50 of CPC:

- a) is admissible in cases of offences against marriage
- b) is admissible in proceedings under Indian Divorce Act
- c) is admissible both in is admissible in cases of offences against marriage & is admissible in proceedings under Indian Divorce Act
- d) is neither admissible in cases of offences against marriage nor in proceedings under Indian Divorce Act

(xlvii) Facts of which the judicial notice is to be taken are stated in:

- a) section 56 of Evidence Act
- b) section 57 of Evidence Act
- c) section 58 of Evidence Act
- d) section 55 of Evidence Act.

(xlviii) Facts which need not be proved by the parties include:

- a) facts of which judicial notice has to be taken
- b) facts which have been admitted by the parties at or before the hearing
- c) Both facts of which judicial notice has to be taken & facts which have been admitted by the parties at or before the hearing
- d) Neither facts of which judicial notice has to be taken nor facts which have been admitted by the parties at or before the hearing

(xlix) Contents of a document may be proved under section 61 of Evidence Act:

- a) by primary evidence
- b) by secondary evidence
- c) either by primary or by secondary evidence
- d) only by primary evidence & not by secondary evidence.

(l) Principle of 'omnia proesumuntur rite esse acta' is contained in:

- a) section 78 of Evidence Act
- b) section 79 of Evidence Act
- c) section 80 of Evidence Act
- d) section 81 of Evidence Act.

(li) Section 79 of Evidence Act applies to:

- a) certificates issued by a Government officer
- b) certified copies issued by a Government officer
- c) other documents duly certified to be genuine by a Government officer
- d) All of these

(lii) Presumption as to legitimacy is under

- a) Sec. 112
- b) Sec 111
- c) Sec 109
- d) All of these

(liii) Sec 65A is inserted by

- a) Act 21 of 2000
- b) Act XXII of 1926
- c) Act XIII of 1926
- d) Act XIV of 1926

(liv) Under Section 82, Indian Evidence Act the Court must presume:

- a) That the seal or stamp or signature is genuine
- b) That the person signing the document held, at the time when he signed, the judicial or official character he claims
- c) Both That the seal or stamp or signature is genuine and That the person signing the document held, at the time when he signed, the judicial or official character he claims
- d) None of these

(lv) What is direct evidence? I. Evidence given where witness testifies directly of his own knowledge as to the main fact or facts in dispute II. That which tends to prove the fact at issue without the intervention of proof of any other fact III. One requiring no support by other evidence IV. When the principal fact, or factum probandum, is attested directly by witnesses, things or documents

a) I, II

c) II, III, IV

b) III, IV

d) All of these

(Ivi) Which of the following statements hold true for section 154 of the Indian Evidence Act, 1872?

a) The Court is bound to give leave if the requirements are met

c) The Court can give the leave under this section suo motu

b) The witness must be declared hostile before making a plea under this section

d) All of these

(Ivii) Leading question may be asked in

a) Cross Examination

c) Postmortem

b) Inquiry

d) None of these

(Iviii) Judge can ask any question under

a) Sec 165

c) Sec. 146

b) Sec 158

d) Sec 162

(lix) Witnesses as to character may be asked in

a) Cross Examination

c) Re-examination

b) Examination in Chief

d) All of these

(lx) Number of Witnesses required for proof of fact

a) Any number

c) Odd number

b) Even number

d) None of these