



## BRAINWARE UNIVERSITY

**Term End Examination 2022**  
**Programme – BBA LL.B.-2019**  
**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) A disputed handwriting can be determined by :
- a) by calling an expert
  - b) by examining a person acquainted with the handwriting of the writer of the questioned document
  - c) by comparison of the two-admitted & disputed handwritings
  - d) All of these
- (ii) Oral evidence under section 60 of Evidence Act is determined as:
- a) direct only
  - b) hearsay
  - c) Both direct only & hearsay
  - d) Either direct only or hearsay
- (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 the nature of Law of Evidence from the following
- a) Substantive Law
  - b) An adjective law.
  - c) Both Substantive Law and An adjective law.
  - d) None of these
- (v) Facts can be listed
- a) Physical
  - b) Psychological
  - c) Both Physical and Psychological
  - d) Mystic
- (vi) Tell 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
- (vii) Pick out under section 32(4) of Evidence Act, which of the following declaration is found:
- a) as to public rights & customs are admissible
  - b) as to private rights & customs are admissible
  - c) as to both public and private rights and customs are admissible
  - d) only as to customs are admissible.

- (viii) Burden of proof is lightened by focusing on
- a) presumptions
  - b) admissions
  - c) estoppels
  - d) all of these
- (ix) Section 112 of Evidence Act focuses on
- a) a presumption of fact
  - b) a rebuttable presumption of law
  - c) an irrebuttable presumption of law
  - d) a mixed presumption of fact & law
- (x) Identify the cases when a confession made by a conspirator involving other members is relevant against the co-conspirator 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
- (xi) Leading question may be justified in
- a) Cross Examination
  - b) Inquiry
  - c) Postmortem
  - d) None of these
- (xii) Under section 118 who amongst the following are assessed as competent witnesses
- a) child
  - b) accused
  - c) lunatic
  - d) all of these
- (xiii) Write Zahira Sheikh was prime witness in which case
- a) Best Bakery case (2004)
  - b) Best Bakery retrial case (2006)
  - c) Sukh Ram disproportionate assets case (2005)
  - d) Gujjar killings case (2003)
- (xiv) An accomplice is a competent witness write under which section
- a) under section 118 of Evidence Act
  - b) under section 119 of Evidence Act
  - c) under section 133 of Evidence Act
  - d) under section 132 of Evidence Act
- (xv) Opinion of an expert under section 45 of Evidence Act can be determined as :
- a) is a conclusive proof
  - b) s not a conclusive proof
  - c) is supportive & corroborative in nature
  - d) Either is a conclusive proof or is supportive & corroborative in nature

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Trace the name of the persons who can make admission. (3)
3. Differentiate between the concept of burden of proof and onus probandii. (3)
4. Illustrate the concept of rebuttable and irrebuttable presumptions. (3)
5. Classify estoppel. (3)
6. Classify documents. (3)

OR

Write down the scope of cross examination. (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

7. State when facts not otherwise relevant becomes relevant. (5)
8. Differentiate between judicial and extra judicial confession. (5)
9. Write down the evidentiary value of expert evidence. (5)
10. Focus on the presumption as to abetment of suicide by a married woman (5)
11. Oral evidence must be direct-----Evaluate. (5)
12. Appraise impeaching credit of witness. (5)

OR

Assess the questions which are lawful in cross examination. (5)

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