



# BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – BBA LL.B.-2019/BBA LL.B.-2020

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) Choose under Section 105 of the Indian Evidence Act, the burden of proving that a transaction is a fraudulent transaction lies on:
- |                              |                                |
|------------------------------|--------------------------------|
| a) The person alleging fraud | b) The person committing fraud |
| c) The judge                 | d) The witness                 |
- (ii) Predict under the Indian Evidence Act, who has the ultimate burden of proof
- |                |              |
|----------------|--------------|
| a) Plaintiff   | b) Defendant |
| c) Prosecution | d) Defense   |
- (iii) Predict presumption as to dowry death is written under
- |                 |                |
|-----------------|----------------|
| a) Section 113B | b) Section 132 |
| c) Section 133  | d) Section 134 |
- (iv) Identify 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 |
- (v) Choose which of the following statements hold true for examination in chief of a witness?
- |  |  |
|--|--|
| a) The leading questions can be used           | b) It must only relate to relevant facts |
| c) It must only relate to the fact in question | d) All of these                          |
- (vi) 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     |
- (vii) The term Evidence is defined as
- |               |                   |
|---------------|-------------------|
| a) Exhaustive | b) Not exhaustive |
| c) Exemplary  | d) None of these  |

- (viii) Determine in which of the following cases an admission is not relevant in a civil case -
- |   |   |
|---|---|
| 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 |
- (ix) 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 |
- (x) Determine in which of the following cases dying declarations are to be reliable-
- |  |   |
|--|---|
| a) They must be made before a magistrate                                   | b) They must be accompanied by a doctor's certificate |
| c) Must be in the language understood by the person making the declaration | d) It need not be corroborated                        |
- (xi) 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 |
- (xii) Express which of the following statements hold true for admissibility of affidavits as evidence under the Indian Evidence Act, 1872?
- |   |   |
|---|---|
| a) A declaration in the shape of an affidavit can be received as evidence of the facts stated therein           | b) An affidavit can be used in case the deponent of an affidavit is not available for cross-examination |
| c) An affidavit filed by the party suo motu and not under directions from Court could not be termed as evidence | d) Affidavits are not confined to such facts as the deponent is able of his own knowledge to prove      |
- (xiii) Select when leading question may be justified in
- |                      |                  |
|----------------------|------------------|
| a) Cross Examination | b) Inquiry       |
| c) Postmortem        | d) None of these |
- (xiv) Select in which of the following cases Supreme Court held that "Test identification parade is only an aid to investigation. The practice is born out of prudence"
- |   |  |
|---|--|
| a) Siddharth Vashist @ Manu Shzzrma v. State (NCT of Delhi), AIR 2010 SC 2352 | b) Shivaji v. Nagendra, AIR 2010 SC 2261     |
| c) S. Iaiswal v. Alok, AIR 2010 (NOC) 805                                     | d) Sujata v. S.K. Behem, AIR 2010 (NOC) 812. |
- (xv) Choose in a criminal case, if the accused raises a plea of alibi, the burden of proof shifts to
- |                    |                   |
|--------------------|-------------------|
| a) The prosecution | b) The defense    |
| c) The judge       | d) The eyewitness |

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the term fact under Indian Evidence Act. (3)
3. Explain the concept-a map for a cause must be proved. (3)
4. Write the difference between judicial confession and extra judicial confession. (3)
5. Explain the concept of Best Evidence. (3)
6. Assess whether the judge can compel any witness to produce the document or to give answer any question. (3)

**OR**

Summarize the scope of indecent and scandalous question being asked to a witness. (3)

**Group-C**

(Long Answer Type Questions)

5 x 6=30

7. Explain privilege communication. (5)
8. State the things said or done by conspirator in reference to common design relevant or not. (5)
9. Write down the burden of proving fact especially within knowledge. (5)
10. Distinguish between admissibility and relevancy under Indian Evidence Act 1872 (5)
11. Explain the evidentiary value of CCTV footage. (5)
12. Assess the significance and purpose of examining a witness before the Court of Law. (5)

**OR**

Distinguish between examination in chief and cross examination and re-examination. (5)

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