



## BRAINWARE UNIVERSITY

Term End Examination 2022  
 Programme – LL.B.-2020/LL.B.-2021  
 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) Court questions can be put by virtue of is considered under
 

|                                |                                 |
|--------------------------------|---------------------------------|
| a) section 164 of Evidence Act | b) section 165 of Evidence Act  |
| c) section 166 of Evidence Act | d) section 167 of Evidence Act. |
  - (ii) During re-examination of a witness it is considered
 

|                                                                  |                                                                         |
|------------------------------------------------------------------|-------------------------------------------------------------------------|
| a) a new matter can be introduced as a matter of right generally | b) a new matter can be introduced only with the permission of the court |
| c) no new matter can be introduced at all                        | d) either (a) or (c).                                                   |
  - (iii) Deduce from Sec 50 whether opinion as to relationship in marriage :
 

|                                                                                                                                      |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 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 |
  - (iv) Under the Indian Evidence Act fact can be related with
 

|                                             |                   |
|---------------------------------------------|-------------------|
| a) Factum probandum                         | b) Factum probans |
| c) Both Factum probandum and Factum probans | d) None of these  |
  - (v) Fact in issue can be defined as
 

|                                                                           |                                                                            |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 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                                                            |
  - (vi) The fact which form the part of the same transaction are relevant and can be related with
 

|                    |                    |
|--------------------|--------------------|
| a) Under Section 5 | b) Under Section 6 |
| c) Under Section 7 | d) Under Section 8 |
  - (vii) Falsus in uno, falsus in omni bus is inferred as

- a) a rule of evidence  
 c) a rule of evidence in criminal trial
- b) a rule of criminal law  
 d) not a rule of evidence in criminal trial
- (viii) Examination of witnesses in criminal cases through video conferencing is simulated as
- a) permissible  
 c) permissible at the option of the witness
- b) impermissible  
 d) permissible at the option of the accused
- (ix) Explain to invoke the doctrine of estoppel which of the following condition must be satisfied?
- a) representation by a person to another  
 c) such person shall have been detrimental to the interest of the person to whom the representation has been made
- b) the other shall have acted upon the said representation  
 d) All of these
- (x) 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 choose the correct option:
- a) He must be allowed to prove his want of title  
 c) He must not be allowed to prove his want of title
- b) He may be allowed to prove his want of title  
 d) None of these
- (xi) Section 65, Indian Evidence Act identify under which of the following situation secondary evidence can be given?
- a) when the original is shown or appears to be in possession and power of the person against whom the document is sought to be proved  
 c) when it is in the possession of any person legally bound to produce it, but he fails to produce it after the notice mentioned in Section 66, Indian Evidence Act is given to him
- b) when it is in possession or power of any person who is out of reach, or not subject to the process of the Court  
 d) All of these
- (xii) Determine in which of the following cases an admission is not relevant in a civil case -
- a) Relevant otherwise than as an admission  
 c) Made under circumstances from which the court can infer that the parties agreed together that evidence of it should not be given
- b) Proceeding from a person in authority  
 d) Made by a pleader, attorney or a vakil
- (xiii) Section 31, Indian Evidence Act expresses:
- a) that admissions are not conclusive proof of the matters admitted, but they may operate as estoppels  
 c) Either that admissions are not conclusive proof of the matters admitted, but they may operate as estoppels or Unless admissions are contractual or unless they constitute estoppels they are not conclusive, but are open rebuttal or explanation.
- b) Unless admissions are contractual or unless they constitute estoppels they are not conclusive, but are open rebuttal or explanation.  
 d) Both that admissions are not conclusive proof of the matters admitted, but they may operate as estoppels and Unless admissions are contractual or unless they constitute estoppels they are not conclusive, but are open rebuttal or explanation.
- (xiv) Tell the principle on which a dying declaration is admitted in evidence is indicated in legal maxim:
- a) nemo moriturus proesumitur mentiri  
 c) res judica
- b) lex fori  
 d) None of these
- (xv) When the court has to infer the relationship between one person and another, the

opinion of any person having special means of knowledge and expressed by conduct is admissible:

- a) under section 51 of Evidence Act
- c) under section 52 of Evidence Act

- b) under section 50 of Evidence Act
- d) under section 49 of Evidence Act.

**Group-B**

(Short Answer Type Questions)

3 x 5=15

- 2. Write the difference between judicial confession and extra judicial confession. (3)
- 3. Focus on the concept of information as to commission of offences. (3)
- 4. Distinguish between private and public document. (3)
- 5. Explain the concept of Best Evidence. (3)
- 6. Write down when leading questions can be asked. (3)

**OR**

- Justify whether indecent and scandalous question can be asked to a witness. (3)

**Group-C**

(Long Answer Type Questions)

5 x 6=30

- 7. Focus on the presumption as to abetment of suicide by a married woman. (5)
- 8. Explain whether a witness can be excused from answering on ground that answer will criminate him. (5)
- 9. Define the term fact as per Indian Evidence Act 1872. (5)
- 10. Write about the concept of privileged communication. (5)
- 11. Summarize the evidentiary value of confession caused by inducement, threat or promise. (5)
- 12. Assess the witness protection scheme. (5)

**OR**

- Justify the evidentiary value of the statement given by hostile witness. (5)

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