

PARUL UNIVERSITY
FACULTY OF LAW
BA / B.Com. / BBA LL.B. Winter 2019 – 20 Examination

Semester:7**Subject Code: 17300401****Subject Name: Evidence Law****Date: 25/11/19****Time:10:30 am to 01:00pm****Total Marks: 60****Instructions:**

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed.**(15)**

(MCQ, True or False, Definitions, Explain terms) (1 marks each. All Compulsory)

1. Facts can be
 - (a) physical facts
 - (b) psychological facts
 - (c) physical as well as psychological facts
 - (d) only physical facts & not psychological facts.

2. The facts which form part of the same transaction are relevant
 - (a) under section 5 of Evidence Act
 - (b) under section 6 of Evidence Act
 - (c) under section 7 of Evidence Act
 - (d) under section 8 of Evidence Act.

3. Confession of one accused is admissible against co-accused
 - (a) if they are tried jointly for the same offences
 - (b) if they are tried jointly for different offences
 - (c) if they are tried for the same offences but not jointly
 - (d) if they are tried for different offences and not jointly.

4. 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 (a) & (b)
 - (d) neither (a) nor (b).

5. Oral evidence under section 60 of Evidence Act may be
 - (a) direct only
 - (b) hearsay
 - (c) both (a) & (b)
 - (d) either (a) or (b).

6. Indian Evidence Act applies to
 - (a) proceedings for affidavit
 - (b) proceedings before the arbitrator
 - (c) judicial proceedings in courts
 - (d) all the above.

7. Fact in issue means
 - (a) fact, existence or non-existence of which is asserted by the parties
 - (b) fact, existence or non-existence of which is denied by the parties
 - (c) fact existence or non-existence of which is disputed by the parties
 - (d) all the above.

8. Presumptions under the law of evidence are
 - (a) presumption of facts
 - (b) presumptions of law
 - (c) both (a) & (b)
 - (d) only (b) & not (a).

9. For conduct to be relevant under section 8 of Evidence Act, it
(a) must be previous (b) must be subsequent
(c) may be either previous or subsequent (d) only subsequent & not previous.

10. Things said or done by a conspirator in reference to the common design is relevant. True or False

11. Define Relevant.

12. Define Alibi.

13. Define Not Proved.

14. Define Leading Question.

15. Define Refresh Memory.

Q.2 A) Write short notes on (Each of three mark) (15)

1. Presumption under Evidence Act.
2. Relevancy of Judgments of courts of justice.
3. Relevancy of opinions of third persons.
4. Public documents
5. Estoppel.

Q.3 A. Discuss the provision related to Admission and Confession under Indian Evidence Act. (08)

OR

A. Discuss the provision related to statements by persons who cannot be called as witnesses under Indian Evidence Act. (08)

B. Explain Burden of proof and on whom burden of proof lies. Explain it with relevant provision of Indian Evidence Act. (07)

OR

B. Explain Oral Evidence and Documentary Evidence and state difference between Direct Evidence and Hearsay Evidence (07)

Q.4 Discuss the case *Premlal V. Kunti Bai* with reference to evidentiary value of affidavit. Also explain meaning of evidence and document under Indian Evidence Act. (07)

B) Answer the following (Each of two mark)(Any Four) (08)

1. Explain Examination-in-chief, Cross-examination, Re-examination.
2. Can a new trial be filed for improper admission or rejection of evidence? Give reason for answer.
3. Explain Primary evidence.
4. What is the presumption as to documents which are thirty years old & electronic records which are 5 year old?
5. How many minimum numbers of witnesses are required to prove any fact?
6. When does previous bad character become relevant?