

**LLB**  
**Fourth Semester**  
**LAW OF EVIDENCE**  
**(LLB – 401)**

**Duration: 3Hrs.**

**Full Marks: 80**

Part-A (Objective) =30  
Part-B (Descriptive) =50

**(PART-B: Descriptive)**

**Duration: 2 hrs. 30 mins.**

**Marks: 50**

**Answer the following questions:**

1. Distinguish between: (5×2=10)
  - a) Direct and circumstantial evidence.
  - b) Presumption of fact and presumption of law.

Or

Write short notes on the following: (any two) (5×2=10)

  - a) Shall Presume
  - b) May Presume
  - c) Conclusive Proof
2. Explain the provisions relating to Admission and confession as laid down under the Indian Evidence Act, 1872. (10)

Or

Discuss in detail Judicial and Extra-Judicial confessions with case laws. Write down a few points of difference between them. (6+4=10)
3. Is Dying Declaration always admissible? What are the different circumstances under which Dying Declaration can be made? (2+8=10)

Or

What do you mean by expert witness and ordinary witness? Discuss the provisions of the Indian Evidence Act relating to relevancy of character. (4+6=10)

4. Discuss the general provisions relating to Burden of Proof as laid down under the Indian Evidence Act. (10)

Or

What is Estoppel? What are the essential conditions for application of the Doctrine of Estoppel? Write about different types of Estoppel with illustrations. (2+2+6=10)

5. Explain the different stages of examination of witnesses with appropriate provisions of the Indian Evidence Act, 1872. (10)

Or

Write short notes on the following: (any two) (5×2=10)

- a) Value of a Child Witness.
- b) Hostile witness.
- c) Privileged Communications.

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**Duration: 30 minutes**

**Marks – 30**

**(PART A- Objective Type)**

**I. Choose the correct answer:**

**1×10=10**

1. Direct evidence is also known as:  
a) strong evidence                      b) positive evidence  
c) neutral evidence                      d) weak evidence
2. The expression 'not proved' implies:  
a) a state of mind in between 'proof' and 'disproof'  
b) a statement not admitted  
c) both (a) and ( b)  
d) none of the above
3. Under which of the following provisions, Doctrine of Res gestae is laid down under the Indian Evidence Act, 1872?  
a) Section 12                                      b) Section 6  
c) Section 7                                      d) Section 110
4. Which of the following provisions of the Indian Evidence Act, is related to 'Facts showing existence of state of mind, or body or bodily feeling'?  
a) Section 9                                      b) Section 15  
c) Section 14                                      d) Section 11
5. Dying Declaration is a:  
a) Hearsay evidence                      b) Direct evidence  
c) Negative evidence                      d) none of the above
6. An incomplete dying declaration is:  
a) admissible                                      b) inadmissible  
c) a good piece of evidence                      d) none of the above
7. Primary evidence is laid down under:  
a) Section 62                                      b) Section 63  
c) Section 40                                      d) Section 20
8. Which of the following is not a public document?  
a) Documents of tribunals.  
b) Documents forming the acts of sovereign authority.  
c) A sale deed.  
d) Both (a) and (b).

9. Under which of the following provisions of the Indian Evidence Act, Dumb Witness is defined?

- a) Section 119                                      b) Section 105  
c) Section 33                                      d) Section 8

10. Cross-Examination of witness is:

- a) examination in Chief.  
b) examination of witness by opposite party.  
c) examination of witness by third party.  
d) examination of witness by Judge in private.

**II. Answer the following questions:**

**2×10=20**

1. Define 'Fact' and 'Evidence'.
2. Write two points of distinction between Original and Hearsay evidence.
3. What is the basic principle regarding evidence of common intention relating to conspiracy as laid down under the Indian Evidence Act?
4. Explain the terms 'Admission' and 'Confession'.
5. What is a Dying Declaration? Give examples.

