

**LLB
THIRD SEMESTER
LAW OF EVIDENCE
LLB - 301**

**SET
A**

(USE OMR FOR OBJECTIVE PART)

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

(Objective)

Marks: 20

Choose the correct answer from the following:

1 × 20 = 20

1. Under Section 8 of Evidence Actis relevant
 - a. Motive
 - b. Preparation
 - c. Previous Conduct
 - d. Motive, preparation and previous conduct
2. The fact which forms part of the same transaction are relevant under-
 - a. Section 5
 - b. Section 6
 - c. Section 7
 - d. Section 8
3. Admissions-
 - a. Must be in writing
 - b. Must be oral
 - c. Must be in gestures
 - d. Either oral or in writing
4. A dying declaration to be admissible-
 - a. Must be made before a Magistrate
 - b. Must be made before a police officer
 - c. Maybe made before a doctor or a private person
 - d. May be made either before a magistrate or a police officer or a doctor or a private person.
5. A confession made while in police custody is admissible under section 26 of The Evidence Act if-
 - a. Made in the presence of a Magistrate
 - b. Made in the presence of a private person
 - c. Made in presence of a doctor
 - d. All of the above
6. Facts can be-
 - a. Physical facts
 - b. Psychological facts
 - c. Both a and b
 - d. None
7. Under section 45 of Evidence Act, the opinion of expert can be for-
 - a. Identity of hand writing
 - b. Identity of finger impression
 - c. Both a and b
 - d. None
8. Opinion of an 'expert under section 45 of Evidence Act-
 - a. Is a conclusive proof
 - b. Is corroborative in nature
 - c. Is not conclusive in nature
 - d. Either a or c

9. 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
10. Oral evidence under section 60 of Evidence Act may be-
 - a. Direct
 - b. Hearsay
 - c. Both a and b
 - d. Either a or b
11. Contents of a document may be proved under section 61 of Evidence Act-
 - a. By primary evidence
 - b. By secondary evidence
 - c. Either by primary or by secondary evidence
 - d. None
12. Burden of proof under section 101 of Evidence Act-
 - a. Never shifts
 - b. Goes on shifting as the trial proceeds
 - c. May shift
 - d. Both a and c are correct
13. Burden of introducing evidence under section 102 of Evidence Act-
 - a. Never shifts
 - b. Occasionally shifts
 - c. Constantly shifts
 - d. Both b and c
14. In criminal trials, the onus is on the accused to prove that his case falls in-
 - a. Any of the general exception
 - b. Any of the special exception
 - c. Any of the proviso to any provision
 - d. All the above.
15. Section 108 of Evidence Act relates to-
 - a. Presumption of death
 - b. Presumption of life
 - c. Presumption of Landlord and tenant
 - d. Presumption of ownership
16. For presumption under section 107 of Evidence Act, the person is to be shown to be alive-
 - a. Within 7 years
 - b. Within 12 years
 - c. Within 3 years
 - d. Within 30 years
17. The doctrine of *estoppel* is contained in-
 - a. Section 112 of Evidence Act
 - b. Section 113 of Evidence Act
 - c. Section 114 of Evidence Act
 - d. Section 115 of Evidence Act
18. A person is competent to testify-
 - a. If he understands the question put to him
 - b. If he is able to give rational awareness to those questions
 - c. If has both a& b
 - d. None
19. Photostat copy of family settlement is allowed to be produced before court as-
 - a. Primary Evidence
 - b. Secondary evidence
 - c. Electronic evidence
 - d. None
20. Law of evidence is-
 - a. Lex tallienis
 - b. Lex loci solutionis
 - c. Lexfori
 - d. Lex situs

(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. Explain the purpose, scope and objectives of Law of Evidence? 10
2. Explain the kinds of evidences. 10
3. Elaborate Principle of *Res Gestae*. 10
4. What is Dying declaration? Whether dying declaration is evidence? Explain 3+7=10
5. Under Section 56 of IEA, "Facts judicially noticeable need not be proved". What is 'taking judicial notice'? 10
6. Explain in details the provisions of "Burden of Proof" under the law of evidence. 10
7. Who is a witness? Can a 5 year old child depose evidence? Explain with the help of case laws. 3+7=10
8. Explain why Hearsay is no evidence? Give case law. 10

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