

LLB  
THIRD SEMESTER  
LAW OF EVIDENCE  
LLB – 301 [REPEAT]  
[USE OMR FOR OBJECTIVE PART]

2024/11

**SET  
A**

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

( Objective )

$1 \times 20 = 20$

*Choose the correct answer from the following:*

1. Arijit is very famous for singing. This is a-----
  - a. Evidence
  - b. Statement
  - c. Document
  - d. Fact
2. Evidence under Indian Evidence Act includes-
  - a. Oral Evidence
  - b. Documentary evidence
  - c. Both a and b
  - d. None of the above
3. An inscription in a metal plate or stone is -
  - a. Is an opinion
  - b. Is a fact
  - c. Is a motive
  - d. Is a document
4. Res gestae implies-
  - a. Things done in course of Transaction
  - b. Facts not in issue
  - c. Act not speaking for itself
  - d. None of the above
5. Test identification parade is taken by
  - a. Magistrate
  - b. Police
  - c. Any person
  - d. All of the above
6. Examination in Chief is given under Section-
  - a. 137
  - b. 136
  - c. 135
  - d. 133
7. Under Section 14, the expression 'state of mind' includes-
  - a. Intention
  - b. Knowledge
  - c. Good faith
  - d. All of the above
8. The deciding factor under section 112 of Evidence Act is-
  - a. the date of birth of the child
  - b. the date of conception of the child
  - c. the date of birth or the date of conception depending on the facts & circumstances
  - d. None of the above
9. Under section 118 who amongst the following are competent witnesses
  - a. Child
  - b. Accused
  - c. Lunatic
  - d. All of the above

10. In criminal proceedings, the burden of proof is-
  - a. on the prosecution to prove the guilt of the accused
  - b. on the accused to prove his innocence
  - c. on both the parties
  - d. either (a) or (b).
11. Opinions of experts are relevant -
  - a. under section 45 of Evidence Act
  - b. under section 46 of Evidence Act
  - c. under section 47 of Evidence Act
  - d. under section 48 of Evidence Act
12. Admissions -
  - a. must be in writing
  - b. must be oral
  - c. either oral or in writing
  - d. only in writing & not oral
13. Section 27 of Evidence Act applies
  - a. when the person giving information is an accused but not in police custody
  - b. when the person giving information is an accused and is in police custody
  - c. when the person is in police custody but not an accused
  - d. when the person is neither in police custody nor an accused.
14. Legal advisor -
  - a. can disclose the communication after his clients death
  - b. can disclose the communication after the relation with his client has ended
  - c. cannot disclose the communication even when the relation is ended or the client has died
  - d. both (a) and (b) are correct
15. The protection under section 126 of Evidence Act extends to-
  - a. communication made in furtherance of any illegal design
  - b. any fact observed showing the communication of any offence or fraud committed since commencement of employment
  - c. both (a) & (b)
  - d. None of the above
16. An accomplice is a competent witness
  - a. under section 118 of Evidence Act
  - b. under section 119 of Evidence Act
  - c. under section 133 of Evidence Act
  - d. under section 132 of Evidence Act
17. 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 judicata
  - d. None of the above
18. Under section 45 of Evidence Act the opinion of expert can be on the question of:
  - a. Indian law
  - b. Foreign law
  - c. both (a) & (b)
  - d. only (a) & not (b)
19. 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. only by primary evidence & not by secondary evidence.



20. Confessional FIR is -

- a. Admissible
- b. inadmissible
- c. cannot be accepted
- d. None of the above

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**(Descriptive)**

Time : 2 hrs. 30 min.

Marks : 50

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

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| 1. Who is a police officer? Explain and illustrate "No confession made to a police officer is admissible". Distinguish Admission and Confession. | 2+4+4<br>=10 |
| 2. What is a dying declaration? How and by whom it can be recorded? Discuss fully the evidentiary Value.   | 10           |
| 3. Who is an expert? When are the opinion of experts relevant?   | 10           |
| 4. What is primary and secondary evidence? When Secondary evidence relating to document may be given?  | 4+6=10       |
| 5. What do you mean by burden of proof? On whom the burden of proof lie in civil and criminal cases  | 10           |
| 6. What is meant by Privileged communication? Explain the communication that are protected under the law of Evidence.                            | 10           |
| 7. Explain the scope of Examination in chief, cross examination and re examination under the Indian evidence Act.                                | 10           |
| 8. Write short notes on:<br>a. Child witness<br>b. Dumb witness  | 5+5=10       |

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