

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

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

(Objective)

Choose the correct answer from the following:

$1 \times 20 = 20$

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

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 client's 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. 217. 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]

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
=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:
a. Child witness
b. Dumb witness 5+5=10

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