

**LLB**  
**THIRD SEMESTER**  
**BHARATIYA SAKHYA ADHINIYAM (BSA)**  
**LLB - 301**  
**[USE ONLY FOR OBJECTIVE PART]**

## SET A

**Duration:** 3 hrs.

**Full Marks: 70**

Time: 30 min.

### Objective

**Marks: 20**

Choose the correct answer from the following:  $1 \times 20 = 20$

1. Which Section of the Bharatiya Sakshya Adhiniyam, 2023 deals with the definition of the term "Evidence"?
  - Section 2(e)
  - Section 2(a)
  - Section 2(c)
  - Section 2(d)
2. Which of the following word is included in the definition of the term "Court"?
  - Judges and Magistrates
  - Arbitrators
  - Mediators
  - None of the above
3. Fact in issue means-
  - Fact, existence or non-existence of which is admitted by the parties
  - Fact, existence or non-existence of which is disputed by the parties
  - Fact, existence or non-existence of which is not disputed by the parties
  - All of the above
4. Circumstantial Evidence must satisfy the following test-
  - The circumstances from which an inference of guilt is to be drawn must be cogently and firmly established
  - Those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused

The circumstances taken collectively should form a chain so complete that there is

  - no escape from the conclusion that within all human probability the crime was committed by the accused
  - All of the above
5. Which Section of the Bharatiya Sakshya Adhiniyam, 2023 deals with the doctrine of "Res Gestae"?
  - Section 4
  - Section 5
  - Section 8
  - Section 11
6. Confessions made before a Magistrate or the Court in the course of Judicial Proceedings is considered as-
  - Extra-Judicial Confession
  - Judicial Confession
  - Confession only
  - None of the above

7. A Confession is irrelevant if it is made by-

- a. Inducement
- b. Threat
- c. Promise
- d. Any of the above

8. Which Section of the Bharatiya Sakhya Adhiniyam, 2023 deals with 'Confession to the Police Officer'?

- a. Section 22
- b. Section 23
- c. Section 24
- d. Section 25

9. In order to make it admissible Dying Declaration must be made-

- a. Before a Magistrate
- b. Before the Police Officer  
Either before a Magistrate or Police
- c. Before a Doctor or a Private Person
- d. Officer or a Doctor or a Private Person

10. Which Section of the Bharatiya Sakhya Adhiniyam, 2023 deals with 'Dying Declaration'?

- a. Section 20
- b. Section 22
- c. Section 26
- d. Section 30

11. A Dying Declaration is admissible-

- a. Only in criminal proceedings
- b. Only in civil proceedings
- c. In civil as well as criminal  
proceedings 'both'
- d. In criminal proceedings alone not in civil proceedings

12. Which Section of the Bharatiya Sakhya Adhiniyam, 2023 deals with 'Expert Opinion'?

- a. Section 39
- b. Section 45
- c. Section 55
- d. Section 60

13. Burden of Proof means-

The burden of proof as a matter of law & pleadings is burden of establishing a case

- a. The burden of proof as to introduction of evidence
- b. Both (a) & (b)
- c. Only (b) & not (a)

14. Which Section of the Bharatiya Sakhya Adhiniyam, 2023 deals with 'Burden of Proof'?

- a. Section 100
- b. Section 101
- c. Section 102
- d. Section 104

15. The doctrine of Estoppel is a-

- a. Substantive law
- b. Rule of Equity
- c. Rule of Evidence
- d. Law of Pleadings

16. Which Section of the Bharatiya Sakhya Adhiniyam, 2023 deals with 'Estoppel'?

- a. Section 118
- b. Section 119
- c. Section 120
- d. Section 121

17. A Person is competent to testify

- a. If he understands the question put to him
- b. If he is able to give rational answers to the questions asked by the Judges
- c. Both (a) & (b)
- d. Only (a) not (b)

18. Leading Questions are asked-

- a. During the time of Examination-in-chief
- b. During the time of Re-Examination
- c. During the time of Cross-Examination
- d. Both (a) & (b)

19. Which Section of the Bharatiya Sakshya Adhiniyam, 2023 deals with 'Accomplice'?

- a. Section 137
- b. Section 140
- c. Section 138
- d. Section 139

20. Which Section of the Bharatiya Sakshya Adhiniyam, 2023 deals with 'No new trial for improper admission or rejection of evidence'?

- a. Section 169
- b. Section 166
- c. Section 165
- d. Section 164

- - - -

**( Descriptive )**

Time : 2 hrs. 30 min.

Marks : 50

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

1. Discuss the background, aims and objectives of the Bharatiya Sakshya Adhiniyam, 2023.  $5+5=10$
2. "Circumstantial evidence is used in criminal courts to decide the fate of accused by establishing guilt or innocence through reasoning." Discuss this statement with the help of the golden rules of Circumstantial Evidence. 10
3. Write an extensive note on 'Confession to Police' under the law of Evidence. 10
4. Write short notes on :
  - a. Doctrine of 'Res-Gestae'
  - b. Relevancy and Admissibility of Facts $5\times2=10$
5. What is the concept of 'Dying Declaration'? Discuss in brief about the law relating to 'Dying Declaration'.  $3+7=10$
6. Whether Opinion of the Experts are admissible in the Court of Law? Discuss this with the help of the law relating to 'Expert Opinion' as per the Bharatiya Sakshya Adhiniyam, 2023.  $3+7=10$
7. Distinguish between 'Burden of Proof' and 'Onus of Proof'. Explain the law relating to 'Burden of Proof'.  $2+8=10$
8. Whether a 'Lunatic' can become a competent witness under the law Evidence? Justify with reasons. Write a note on 'Examination of Witnesses' as per the Bharatiya Sakshya Adhiniyam, 2023.  $2+8=10$

= = \*\*\* = =