

2011

LAW

(Law of Evidence)

Course No. 5:2

Full Marks : 100

Time : 3 hours

*The figures in the margin indicate full marks
for the questions*

Answer question no. 1 and any five questions from the rest

1. Write short notes on any 4 (four) of the following (4x5)
 - a) Private evidence.
 - b) Dying Declaration.
 - c) Primary Evidence.
 - d) Conclusive Proof.
 - e) Witness.
 - f) Approver.
2. "The Indian Evidence Act is not a complete code in itself". Explain and elaborate. (16)
3. a) "Cross-examination is said to be a two-edged sword....." Elucidate: What is leading question. (8+8)
- b) What is the order of examination of a witness in the Court? What types of question may be asked during Cross-Examination. (8)

(Please turn over)

turn over (er)

4. Compare between: Witness, Evidence and Proof. Discuss the competency of a child below 7 (seven) year of age and the accused himself as witness in a legal proceedings. (10+6)
5. What is an admission and who can make admission? Explain the rule that admission are not conclusive proof of the matters admitted but may operate as an Estoppels. (16)
6. What is confession? Discuss various types of confession as the basis for conviction. (16)
7. Explain what is "burden of proof" and "burden of introducing evidence"? How evidences given in the proceeding can be considered as a proof of facts? Illustrate and explain. (16)
8. State and explain the Rule of Prudence, if any, regarding the testimony of an accomplice. (16)
9. Who is an expert as per provisions of the Evidence Act? When is the opinion as to existence of a right or custom relevant? Illustrate your answer with suitable example. (16)
10. State the facts and discuss the principles of Law laid down in: (16)
The Gujarat State Financial Corporation
- vs -
M/S Lotus Hotel Private Ltd. AIR 1983SC
848
