

2021

LAW OF EVIDENCE

Fourth Paper

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer **any five** questions.

1. (a) What do you understand by the term 'Evidence'? Is the term 'Evidence' exhaustive as mentioned in Evidence Act? 8
(b) Explain and illustrate 'May Presume', 'Shall Presume' and 'Conclusive Proof'. 8
2. Explain the following terms (**any four**): 4×4
 - (a) Disprove
 - (b) Fact
 - (c) Fact in Issue
 - (d) Relevancy of Fact
 - (e) Expert Opinion
3. (a) Define Admission. 4
(b) Distinguish between Admission and Confession. 6
(c) "Admission cannot be proved by or on behalf of person who is making it"—Is there any exception to this rule? 6
4. Distinguish between **any two** of the following: 8×2
 - (a) Primary Evidence and Secondary Evidence
 - (b) Judgement in Rem and Judgement in Personam
 - (c) Examination in Chief and Cross Examination.
5. (a) Define Hearsay Evidence. 4
(b) Under what circumstances secondary evidence relating to documents may be given? 6
(c) What is Leading Question? When can it be asked? 6

Please Turn Over

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| 6. | (a) Define Burden of Proof. Who will take the burden in both civil and criminal cases? | 8 |
| | (b) What is the difference between Burden of Proof and Onus of Proof? | 8 |
| 7. | (a) Discuss the law relating to — | |
| | (i) 'Presumption of Dowry Death' and | |
| | (ii) 'Legitimacy of Child'. | 5+5 |
| | (b) Explain the doctrine of <i>Res gestae</i> . | 6 |
| 8. | Discuss evidentiary value of Dying declaration. | 16 |
| 9. | (a) Can a party cross examine his own witness? | 4 |
| | (b) How does a public document differ from private document? | 8 |
| | (c) Who is a Hostile Witness? | 4 |
| 10. | (a) What is Privileged Communication? | 4 |
| | (b) Define and explain the rule of 'Estoppel'. | 12 |
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