

Sem X.  
fifth year  
BLS.  
21/11/19

(Time: 3 Hours)

Total Marks: 100

**N. B.: All questions are compulsory.**

1. Answer the following in one or two sentences :- 20 Marks
  - (a) Birth during marriage conclusive proof of legitimacy. Explain?
  - (b) What is 'may presume'?
  - (c) Public document.
  - (d) Who may testify?
  - (e) What is the presumption as to electronic records of five years old as per law.
  - (f) Character when relevant.
  - (g) What is Res Gestae?
  - (h) Professional communication.
  - (i) What is "Plea of Alibi"? Cite relevant provision.
  - (j) Define 'Information'.
  
2. Write short notes on (Any Four) :- 20 Marks
  - (a) Admission.
  - (b) Presumption of law.
  - (c) Statement and confession.
  - (d) Conclusive proof.
  - (e) Relevancy of statement made by a person who is dead.
  - (f) Child witness.
  
3. Situational Problems (Any Two) :- 12 Marks
  - (a) X agrees, in writing to sell a horse to Z for 'Rs.1,000 or Rs.1,500'.
    - (i) Can X give evidence to show which price was to be given.
    - (ii) State provision of law for the same.
  
  - (b) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of act.
    - (i) On whom is the burden of proof?
    - (ii) Under what provision? If A fails to prove what the consequence is?
  
  - (c) M, a client, says to N, an attorney – "I have committed forgery, and I wish you to defend me".
    - (i) Can M keep it secret or require to disclose the same to police.
    - (ii) Give reasons.
  
4. Answer the following (Any Four) :- 48 Marks
  - (a) Explain and distinguish between direct evidence and circumstantial evidence.
  - (b) What is dying declaration and what is its evidentiary value?
  - (c) Define 'Evidence? What are different types of evidence?
  - (d) Explain in detail "Burden of proof".
  - (e) Explain the theory of relevancy in detail.
  - (f) Explain Estoppel and different types of Estoppel.

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(3 Hours)

[Total Marks: 100]

**Q1. Answer in one or two sentences.**

**(20 Marks)**

1. Define Conclusive proof
2. What is Motive?
3. Electronic record
4. Define admission
5. Opinion of expert when relevant
6. Which fact need not be proved
7. What is Primary Evidence?
8. What is a leading question?
9. Who may testify?
10. Accomplice witness

**Q2. Write short notes (Any four)**

**(20 Marks)**

- a. Estoppel.
- b. Public document.
- c. Rules as to notice to produce.
- d. Dying declaration
- e. Oral evidence must be direct.
- f. Secondary Evidence.

**Q3. Solve any two of the following with reason or justification**

**(12 Marks)**

- I. 'A' is Accused of causing grievous hurt alleges that by grave & sudden provocation, he was deprived of the power of self control.
  - a. Burden of proof lies on whom to prove said fact? Give reason
  - b. If 'A' prove that he committed grievous hurt under grave and sudden provocation, for what offence he can be convicted? explain with provision
  
- II. A wishes to prove a dying declaration by B
  - a. What A has to prove first? Explain with provision.
  - b. A wish to prove in court by secondary Evidence the contents of lost documents. How to prove it? Explain with provision.

III. A & B are jointly tried for the murder of C it is proved that A said B & I murdered C.

- a. Whether court may consider the effect of this confession as against B explain with reason.

A is on his trial for the murder of C there is evidence to show that C was murdered by A and B and B said A and I murdered C

- b. Whether the court can consider the said statement against A? Explain with reason and provision

**Q4. Answer the following in detail. (Any Four) (48 marks)**

1. What is admission? What is confession? Compare them in detail.
2. Explain in detail different Presumption as to documents.
3. Explain in detail exclusion of oral by documentary Evidence.
4. Explain in detail Estoppel and different types of Estoppels.
5. Discuss different type of witnesses and their evidential value.
6. Explain in detail theory of relevancy