



‘समानो मन्त्रः समितिः समानी’

UNIVERSITY OF NORTH BENGAL

B.A./BBA/B.Com. LL.B. Honours 8th Semester Examination, 2023

LAW OF EVIDENCE

PAPER CODE: CC22/CC24

Time Allotted: 3 Hours

Full Marks: 100

The figures in the margin indicate full marks.

Answer Question No. 7 and any four questions from the rest

1. Define and distinguish between ‘May Presume’, ‘Shall Presume’ and ‘Conclusive Proof’ with the help of suitable judicial decisions. 20
2. (a) What is Estoppel? What is its evidentiary value? 10
(b) Distinguish between primary and secondary evidence. 10
3. (a) Define the term ‘document’ as given under Indian Evidence Act, 1872. 3
(b) Explain the different kinds of documentary evidence. 6
(c) State the general rule regarding the proof of contents of the document. Also mention the exception to the general rule. 7
(d) Suppose A had made a will in India. His lawyer made a photocopy of the will and gave the original to C, A’s elder son, who went to London with it. B, A’s younger son only had seen the photocopy of the will. Later on, a case was filed in the court in India, where the issue relating to will was in question. B was called as a witness and he gave an oral account of the will as seen from the photocopy of it. Is the oral account of the said copy of the will by B acceptable and admissible in the court of law? — Support your answer with relevant provisions of law and judicial decision. 4
4. (a) Explain the meaning of the term ‘confession’. 3
(b) Discuss the evidentiary value of admission and confession as per the provisions of Indian Evidence Act, 1872. Also highlight certain case laws in this regard. 12
(c) Distinguish between admission and confession. 5
5. Discuss the order of examination of witnesses. What is a leading question? When can a leading question be asked and when it cannot be asked? 8+4+8

6. (a) Define 'Relevant fact' and 'Fact in issue' and point out the differences between the two? 10
- (b) A married women had been writing to her parents and other relatives about her critical condition at the hands of her in laws. She lost her life six months later. The letters were sought to be proved as dying declaration. Decide whether the letters form a dying declaration or not? 10
7. Write short notes on any *four* of the following: 5×4 = 20
- (a) Expert Opinion
 - (b) Hearsay evidence
 - (c) Thirty years old document
 - (d) Relevancy of character in civil and criminal proceedings
 - (e) Burden of Proof
 - (f) Alibi.

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