

EXTRA

LLB
THIRD SEMESTER
LAW OF EVIDENCE
LLB - 301

**SET
B**

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

(Objective)

Marks: 20

Choose the correct answer from the following:

1×20=20

1. Contents of a document may be proved under section 61 of Evidence Act:
 - a. by primary evidence
 - b. by secondary evidence
 - c. either by primary or by secondary evidence
 - d. only by primary evidence & not by secondary evidence.
2. 217. An accomplice is a competent witness
 - a. under section 118 of Evidence Act
 - b. under section 119 of Evidence Act
 - c. under section 133 of Evidence Act
 - d. under section 132 of Evidence Act
3. Under section 118 who amongst the following are competent witnesses
 - a. Child
 - b. Accused
 - c. Lunatic
 - d. All of the above
4. Under section 45 of Evidence Act the opinion of expert can be on the question of:
 - a. Indian law
 - b. Foreign law
 - c. both (a) & (b)
 - d. only (a) & not (b)
5. Confessional FIR is -
 - a. Admissible
 - b. inadmissible
 - c. cannot be accepted
 - d. None of the above
6. The principle on which a dying declaration is admitted in evidence is indicated in legal maxim:
 - a. nemo moriturus proesumitur mentiri
 - b. lex fori
 - c. res judicata
 - d. None of the above
7. The protection under section 126 of Evidence Act extends to-
 - a. communication made in furtherance of any illegal design
 - b. any fact observed showing the communication of any offence or fraud committed since commencement of employment
 - c. both (a) & (b)
 - d. None of the above
8. Admissions -
 - a. must be in writing
 - b. must be oral
 - c. either oral or in writing
 - d. only in writing & not oral

9. Section 27 of Evidence Act applies
 - a. when the person giving information is an accused but not in police custody
 - b. when the person giving information is an accused and is in police custody
 - c. when the person is in police custody but not an accused
 - d. when the person is neither in police custody nor an accused.
10. Legal advisor -
 - a. can disclose the communication after his clients death
 - b. can disclose the communication after the relation with his client has ended
 - c. cannot disclose the communication even when the relation is ended or the client has died
 - d. both (a) and (b) are correct
11. The deciding factor under section 112 of Evidence Act is-
 - a. the date of birth of the child
 - b. the date of conception of the child
 - c. the date of birth or the date of conception depending on the facts & circumstances
 - d. None of the above
12. Opinions of experts are relevant -
 - a. under section 45 of Evidence Act
 - b. under section 46 of Evidence Act
 - c. under section 47 of Evidence Act
 - d. under section 48 of Evidence Act
13. In criminal proceedings, the burden of proof is-
 - a. on the prosecution to prove the guilt of the accused
 - b. on the accused to prove his innocence
 - c. on both the parties
 - d. either (a) or (b).
14. An inscription in a metal plate or stone is -
 - a. Is an opinion
 - b. Is a fact
 - c. Is a motive
 - d. Is a document
15. Under Section 14, the expression 'state of mind' includes-
 - a. Intention
 - b. Knowledge
 - c. Good faith
 - d. All of the above
16. Arijit is very famous for singing. This is a-----
 - a. Evidence
 - b. Statement
 - c. Document
 - d. Fact
17. Examination in Chief is given under Section-
 - a. 137
 - b. 136
 - c. 135
 - d. 133
18. Test identification parade is taken by
 - a. Magistrate
 - b. Police
 - c. Any person
 - d. All of the above
19. Res gestae implies-
 - a. Things done in course of Transaction
 - b. Facts not in issue
 - c. Act not speaking for itself
 - d. None of the above

20. Evidence under Indian Evidence Act includes-

- a. Oral Evidence
- c. Both a and b

- b. Documentary evidence
- d. None of the above

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(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

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

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| 1. Who is a police officer? Explain and illustrate "No confession made to a police officer is admissible". Distinguish Admission and Confession. | 2+4+4
=10 |
| 2. What is a dying declaration? How and by whom it can be recorded? Discuss fully the evidentiary Value. | 10 |
| 3. Who is an expert? When are the opinion of experts relevant? | 10 |
| 4. What is primary and secondary evidence? When Secondary evidence relating to document may be given? | 4+6=10 |
| 5. What do you mean by burden of proof? On whom the burden of proof lie in civil and criminal cases | 10 |
| 6. What is meant by Privileged communication? Explain the communication that are protected under the law of Evidence. | 10 |
| 7. Explain the scope of Examination in chief, cross examination and re examination under the Indian evidence Act. | 10 |
| 8. Write short notes on:
a. Child witness
b. Dumb witness | 5+5=10 |

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