

[3 Hours]

[Marks: 100]

N.B:

1. All questions are compulsory
2. Figures to the right indicate full marks

Q.1 Answer in one or two sentences. (20 Marks)

- a. What is the meaning of primary evidence?
- b. How are the documents to be proved in the court?
- c. When the original document is destroyed, how are the contents to be proved?
- d. What is Hearsay Evidence under the Indian Evidence Act?
- e. Define "May Presume and "Shall Presume."
- f. State the applicability of Indian Evidence Act.
- g. About what facts evidence can be given?
- h. When judicially noticeable facts need not to be proved?
- i. When oral evidence must be direct?
- j. Define Estoppel.

Q.2 Short notes (Any four) (20 Marks)

- a. Admissibility of electronic record
- b. Secondary evidence
- c. Child Witness
- d. Difference between Relevancy and Admissibility
- e. Admissibility of oral evidence
- f. Exception to hearsay evidence

Q.3 Situational problem (Any two) (12 Marks)

a. Rahul relies on certain document to be produced before the court. However, the document is destroyed due to flood in his area.

- i. What option is available to Rahul?
- ii. What would Rahul do, if the document instead of being destroyed was in possession of the opponent party?

b. Shakti is arrested for committing Murder. Immediately after his arrest, Shakti goes and voluntarily confesses about the commission the said offence, to the police officer in the police station. He discloses in his confession, the place where he buried the weapon, with which he committed the offence.

- i. Will Shakti's statement amount to confession?
- ii. When can a confession be taken to be relevant as per law? Explain in detail.

c. Anita was married to Ajay in 2020 and on 15th August 2022 she was found dead in the kitchen of her matrimonial house where she was residing with her mother-in-law and widow sister-in-law as her husband had gone to Dubai for work purpose. Police is investigating the cause of death.

- i. What is presumption?
- ii. What can be presumed from the abovementioned incidence and why?

Q.4 Full length questions (Any four) (48 Marks)

- a. Explain the law on presumption in relation to documents.
- b. What is the law relating to examination of witnesses?
- c. Define Evidence. What are the different types of Evidence?
- d. Define Admission. Who is allowed to make a valid admission and when? Explain the same in detail with relevant case laws.
- e. Discuss the facts in which court must take judicial notice.
- f. Explain in detail, 'Burden of Proof'.