

May 2017

Q.P. Code :13239

[Time: Three Hours]

[Marks:100]

Please check whether you have got the right question paper.

N.B: 1. All question are compulsory.

- Q.1** Answer in one or two sentences. 20
- Birth during marriage conclusive proof of legitimacy. Explain?
 - What is confession?
 - About what facts evidence can be given?
 - What is May Presume?
 - When oral admission as to contents of documents relevant?
 - Can a witness be excused from answers on the ground that answer will criminate him?
 - Character when relevant
 - What is public Document?
 - Who may testify?
 - What is the presumption as to electronic records five years old as per section 90-A?
- Q.2** Write short notes on the following (Any Four) 20
- Leading questions
 - Refreshing Memory
 - Professional Communication
 - Explain the law regarding cross examination of a witness as to previous statement
 - Presumption as to Gazettes in electronic forms
 - Admissibility of electronic records
- Q.3** Solve any two of the following with reasons or justifications. 12
- 'A' is tried for a crime
 - The Fact that he said something indicating an intention to commit that particular crime is relevant. Give reason.
 - The fact that he said something indicating a general disposition to commit crimes of that class is relevant. Give reason.
 - A Barrister is instructed by an attorney or Vakii that important witness is a dacoit. Can the barrister ask the witness he is dacoit? Give reason
 - A witness of whom nothing whatever is known being questioned to his mode of life and means of living gives unsatisfactory answers. Whether witness can be ask he is a dacoit? Give reason
 - 'A' is tried for a riot & is proved to have marched at the head of a mob
 - Whether the cries of the mob are relevant? If yes, under what provision of law? Give reason
 - In the instant case if the mob was silent during the march, what difference it will make on A's Trial?
- Q.4** Answer in detail (ANY FOUR) 48
- Explain what is examination in chief, Cross examination and re-examination? When it is held and for what purpose?
 - Describe in detail theory of relevancy.
 - Explain in detail with provision when the confession is relevant and when it is irrelevant.
 - Explain in detail the provision of section 32 of Indian Evidence Act regarding statement of a person who is dead or cannot be found etc.
 - Define evidence. Explain different types of evidence. Explain their evidential value.
 - Explain in detail motive, preparation & previous or subsequent conduct when relevant.

Q.P. Code : 27004

(3 Hours)

[Total Marks : 100

1. Answer in two or more sentences of each of the following : 20
1. On whom burden of proof lies?
 2. When facts not otherwise relevant become relevant?
 3. What facts can be proved by oral Evidence?
 4. In civil cases when admissions are not relevant?
 5. Presumption as to dowry death?
 6. What is conclusive proof?
 7. When entries in books of account are relevant?
 8. When opinion of examiner of electronic evidence is taken?
 9. What is ambiguous document?
 10. How to impeach the credit of witness? 20
2. Write short notes of the following (Any four) :
- a) Judge's power to put questions or order production.
 - b) Privilege communication made during marriage
 - c) Private & Public documents.
 - d) Rules as to notice to produce.
 - e) When confession given during police custody is relevant.
 - f) Evidential value of dying declaration.
3. Solve **any two** of the following with reason or justification : 12
- I) 'A' is Accused of a crime.
- a) The fact that soon after the commission of the crime A absconded from his house is relevant? Explain with provision.
 - b) The fact that, at the time when he left home he had sudden & urgent business at the place to which he went is it relevant? 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 tries to prove in court by secondary Evidence the contents of a lost documents. How to prove it? Explain with provision.

TURN OVER

III) A, a client says to B an attorney - I have committed forgery and I wish you to defend me.

- a) Whether B can keep it secret or require to disclose it to Police give reason.
- b) A, a client says to B an attorney - I wish to obtain possession of property by the use of a forged deed on which I request you to sue. Can B keep it secret and whether he is protected give reason?

4. Answer in details of the following (Any Four) :

48

1. What is admission? Who can do valid admission and when? explain in detail.
2. Who may testify? Who are the privilege witness? What privilege they enjoy & when what are the limitation on said privilege.
3. What is burden of proof? Whom burden of proof lies explain with the help of sec 101 to 111 of evidence Act?
4. When Court disallow oral evidence? Explain in detail with exception if any.
5. How to prove the contents of documents? What is primary & secondary Evidence? When it can be given and how?
6. Explain in detail when character of a person is relevant in Civil & Criminal matter. Explain with provision.

TURN OVER