

29 APR 2024

NATIONAL LAW UNIVERSITY, JODHPUR

Re-Mid Term Examination, 2024

Semester: UG IV Semester

Subject: Indian Evidence Act, 1872

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Instructions:

1. Paper contains 2 questions and both the questions are mandatory to be attempted.
2. Total Time duration for the paper is 90 Minutes.
3. Total Marks is 50.

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Q.1. In a case of gunshot firing, by entering into the open terrace of the house of the victim at night, causing injuries to the victim and death of his wife, the close neighbours of the victim rush to the spot within a few minutes and saw the injured person in bleeding condition. The neighbours deposed that the injured victim mentioned the names of the appellants as assailants. Does the statement of the injured person, made to the neighbours soon after the incident, become substantive evidence as res gestae? Will it have utility in the trial as it would fall within the ambit of section 157 of the Indian Evidence Act? Answer with reference to the provisions of the Indian Evidence Act and Case laws, if any.

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Q.2. Dead body of the married woman was found in very bad condition. A photograph of the dead body was published in the newspaper for the identification purposes. On the basis of the other evidence, charges were framed against the husband. During trial, the prosecution tried to adduce evidence of Mr. X, who was familiar with the accused as well as his wife. In his statement, the witness said, "A day after the publication of the photographs, I received a call from the accused, who said,.....people are saying that the photograph in the newspaper is of my wife....., please go and see."

Examine the admissibility of this statement in under section 8 of the Indian Evidence Act, 1872. Whether this statement may be admitted under section 157 of Evidence Act as well?

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