

10 MAY 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination January- May, 2024

Semester: UG IV Semester

Subject: Evidence Law

Time: Three Hours

Marks: 100

Instructions:-

- i. All questions carry equal marks
 - ii. Attempt any five out of six questions
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1. "Any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer shall be deemed to be also a document, if the conditions mentioned in the law are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or any fact stated therein of which direct evidence would be admissible." Locate the relevant section and examine the statement analyzing with reference to relevant provisions of the Indian Evidence Act, 1872 along with the conditions specified in those provisions. Also, cite the relevant case laws.

(Marks 20)

2. The plaintiff filed a suit for partition of a property basing his right under a registered Will and produced a certified copy of the Will (Ex. A/1) with the plaint. The defendant in the written statement pleaded that the said Will was revoked by the testator during his life time. During argument defendant contended that the Will is not properly proved and even if there is no dispute in the written statement about the validity and genuineness of the Will, formal proof of the Will by examining one of the attestors is necessary before the Will is read in evidence, and one of the attestors is, admittedly alive. Dispose of the case as a judge by citing the relevant provisions of the law and case laws.

(Marks 20)

3. A has instituted a suit for recovery of price of goods sold to B. B is contesting the said suit denying any sale of goods by A. Issues have been framed in the suit. However, before the trial begins, A moves an application under section 65 of the



Indian Evidence Act, 1872 for the permission to lead secondary evidence qua the invoices and delivery challans vide which goods are stated to have been sold and delivered to B. It is the contention of A that at the time of institution of the suit, photocopies thereof were made and filed in the court but the originals thereof have been taken away by his employee earlier working with him and who has since left his employment. B files a reply to this application denying that originals existed or that the photocopies filed are the true photocopies or that the originals have been taken away by any ex employee of A. The application is taken up for the hearing before the recording of evidence begins. Decide the application with the help of the relevant provisions of the law and case laws.

(Marks 20)

4. In a trial for an offence, the prosecution adduces evidence of bad character of the accused. The accused objects admissibility of prosecution evidence on the ground that he has not given of his good character. Decide on this objection. Also, discuss the relevance and evidentiary value of good and bad character evidence.

(Marks 20)

5. A, an analyst, in his examination-in-chief stated in definite terms that the contraband was *charas*. However, in his cross-examination, he could not answer whether the contraband contained cow-dung also. Will the probative value of his evidence be destroyed because he could not answer whether the contraband contained cow-dung also? Answer with reference to sections of the Indian Evidence Act, as also case law, if any.

(Marks 20)

6. What do you understand by the dying declaration? What is evidentiary value of it? Is it a substantive piece of evidence? Refer to cases.

(Marks 20)