

22 87 APR 2023

28 APR 2023

NATIONAL LAW UNIVERSITY, JODHPUR

Re-Mid Term Examination January-May, 2023

Semester: UG IV Semester

Subject: Law of Evidence

Time: 90 Minutes

Marks: 50

Instructions:

1. Answer all the questions.

Q.1) Are the following relevant? State the provisions of law. (6 marks)

- (i) In a charge of murder by domestic help of an elderly couple, evidence is given that they had received large sum of money from their son in U.S.A and the domestic help knew about it.
- (ii) X is prosecuted for, rioting in Calcutta on 30.11.2022. He produces a railway ticket travelling from Pune to Delhi on 30.11.2022.
- (iii) The question is whether Taluka murdered Kakatiya. Marks on the ground, produced by a struggle at or near the place where the murder was committed.
- (iv) M is accused of receiving stolen property, knowing it to be stolen. He offers to prove that he refused to sell it below their value.
- (v) A is tried for murder of B, evidence is given that B committed suicide.
- (vi) A is tried for murder of B by poison. A procured poison similar to that was administered to B.

Q.2) What is the difference between '*factum probandum*' and '*factum probans*'? Give two illustrations of each. (4 Marks)

Q.3) Write short notes on following: (5*2=10 marks)

- a. Res Gestae
- b. Relevancy and Admissibility of tape-recorded evidence



Q.4) A wrote a letter to B to supply explosives for the purpose of blowing up railway track. He did not receive any information from B, he then wrote to C about the same. He meanwhile received the explosives from B after writing to C and was caught. He blew off the railway track by explosives received from B before being caught. The prosecution produced the letters in a trial against A, B and C. Discuss the relevancy of the two letters to establish conspiracy under Indian Evidence Act. (10 Marks)

Q.5) A and B, two brothers were attacked; soon after the incident, X (wife of A) went to the spot where she was told about the incident by A before he died. Later, D (father of A and B) rushed to the spot and B made the similar statements as were made by A. B also died. It was contended that as X and D were close relations of the deceased, the dying declaration made before them should not be made the basis of conviction because there was no independent corroboration. Decide. (20 marks)

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination January-May 2023

Semester: UG IV Semester

Subject: Law of Evidence

Time: Three Hours

Marks: 100

Instructions:

1. Answer any five questions.
2. All questions carry equal marks.

Q.1) A and B were married. B wanted to gift an expensive watch to A on her birthday. He did not have sufficient money. He committed embezzlement of Rs. 5 lakhs at his office. He disclosed the same to his wife five days after the birthday. While he was sharing this secret to his wife, his friend C overheard the same. After one month of the said incident, A and B were divorced. Later, A got married to D who was senior of B at his office. A shared B's secret to D. The office management wants to sue B now. The management plans to present statements of A, C and D as evidence. Advise on admissibility and relevancy of these statements.

(20 Marks)

Q.2) A murder was committed at the Mandore garden in the late evening of 20-04-2023. On the basis of the information and descriptions given by Khem Singh, who had seen a person running away from the crime scene and Om Singh who had seen the same person in dim light from a distance; the police arrested suspect. Later, these two were called to identify the accused person in the custody of police. They identified the accused. The accused also made confession to police officer at the station. Decide and give reasons as to whether this identification and confession can be used by the prosecution to be proved in the court.

(20 Marks)

Q.3) In a trial for the offence of murder, wife of the deceased is produced as an eyewitness by the prosecution. The defence objects her testimony on the ground that she is the only witness. She is also an interested witness and hence an incompetent witness. Discuss the relevant legal provision and case laws on the said matter.

(20 Marks)

Q.4) X and Y were going to market. On hearing a cry, X rushed towards the place and found A severely injured. A then mentioned name of M, who had stabbed him to X. A was taken to hospital by X and Y. Police was informed and police constable made attempts to make magistrate available for recording the statements of A. But the magistrate could not come. Constable himself recorded the statement. A succumbed to the injuries. Prosecution intends to rely on statement of A to convict M. Present arguments from both sides.

(20 Marks)

Q.5) Critically examine the legal provisions on relevancy and admissibility of extra-judicial confessions. Substantiate your answer with case laws.

(20 Marks)

Q.6) Write short notes on:

- a. Admissibility of electronic documents as evidence
- b. Res Gestae

(10*2=20 Marks)

NATIONAL LAW UNIVERSITY, JODHPUR

Mid Term Examination January-May, 2023

Semester: UG IV Semester

Subject: Law of Evidence

Time: 90 Minutes

Marks: 50

Instructions:

1. Answer all the questions.

Q.1) Discuss in brief the historical background of Indian Evidence Act, 1872. (5 marks)

Q.2) Are the following relevant? State the provisions of law. (5 marks)

a. A is tried for murder of B. The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public.

b. A is tried for a riot and is proved to have marched at the head of a mob. Are the cries of mob relevant?

c. X is being prosecuted for disturbing peace and tranquillity in Jodhpur on 26-01-2023. X produces his visa showing his presence in Canada on that day.

d. In case of attempted rape, statement of victim, a day after the rape to her mother is produced as evidence.

e. In case of prosecution of A, for murder of B. evidence of two by standers is produced, who had heard A immediately after beating B to death saying "I feel satisfied now".

Q.2) State giving reasons the relevant provisions of Indian Evidence Act, 1872, under which the following is relevant:

A, a husband, his father and mother are prosecuted for murder of his wife B. She cried for help as soon as she was pushed inside the room. Her children who were playing outside in balcony, 'exclaimed' at the same time that their mother was being killed. This exclamation attracted a few persons, who saw the dead body of B. Evidence is sought to be given of persons (by-standers) who were attracted by the exclamation of children of the deceased. (10 Marks)

120

Q.3) A group of extremists intended to abduct a minister so that their demands are met. For this purpose, A wrote a letter to B indicating the whole plan and his help which is necessary. A also used his mobile phone for sending message to C seeking logistical support. Police came to know about it and arrested C, who agreed to whole plan.

In a case of attempt to abduct the minister, prosecution produces:

- a. Statement of C
- b. Letter of B to C
- c. Message of A to C as evidence to produce conspiracy.

Discuss the relevancy of all the three evidences and give reasons and case laws in support of your answer. (10 marks)

Q.4) Rustam, a whistle blower wrote a letter to local journalist Rahim indicating that he feels danger to his life at the hands of sand mafia on 10-02-2023. On 14-02-2023, Rustam was found seriously injured on railway track. He was taken to the hospital where he mentioned the names of Amar, Akbar and Anthony known sand mafias. Thereafter, he died. Is the letter of Rustam to Rahim relevant evidence under Indian Evidence Act? Can Amar, Akbar, Anthony be prosecuted and convicted for murder on the sole basis of letter?

Present arguments from both the sides. (20 marks)