

TILAK MAHARASHTRA VIDYAPEETH, PUNE
BACHELOR OF LAWS (LL.B.) (Three Years Semester Pattern)/
B.A. LL.B. (ACADEMIC LAW)
(FIVE YEARS SEMESTER PATTERN) CREDIT SYSTEM
EXAMINATION : DECEMBER - 2022
NINETH SEMESTER/FIFTH SEMESTER
Sub.: Law of Evidence (LW 18-9002/18-502)

Date : 06/12/2022

Total Marks : 60

Time: 10.00 am to 12.30 pm

Instructions: 1) All questions are compulsory.
2) Figure indicate to the right full marks.

Q. 1. Answer the following question. (15)

A) Explain the relevancy of facts showing the existence of state of mind or state of body

OR

B) What is Confession? Explain Judicial ,Extra-Judicial and Retracted Confession under Indian Evidence Law

Q. 2. Answer the following question. (15)

A) What is Dying declaration? Discuss its relevancy

OR

B) What is Presumption of Law and Presumption of Fact Explain in detail with appropriate Case-Laws

Q. 3. Write Short Notes. (any four) (20)

a) Relevancy of Character under Indian Evidence Act

b) Estoppel

c) Relevancy of Fact forming Part of the Same Transaction with Illustrations

d) Proved,Dis-Proved and Not-Proved

e) Opinion of Third person when relevant

f) Accomplice and Approver

Q. 4. Answer the following questions. (Practical OR Open Ended Question) (10)

1. A) What are the general rules relating to burden of proof? Decide, with reasons, upon who does the burden of proof lie in the following fact situations?

(a) Smith is living abroad and Kristine was the caretaker of his flat in Lucknow. In 2021 after the lockdown restrictions were eased, Smith came back to Lucknow and to he found that the flat was sold out to James who had also moved in the flat with his family. Smith claims that he did not sell the flat but James is convinced that the deal was genuine. Kristine is untraceable. Smith wants his flat back and has filed an eviction suit against James.

(b) Bell is accused of theft in a jewellery shop and Den of receiving stolen property. Both are being tried jointly. Bell wants the court to believe that he was elsewhere on the date and time of theft. Den wants the court to believe that he had no knowledge that he jewellery was stolen.

OR

- 2) 'A' a married woman has committed suicide after leaving a note that her husband and his relatives subjected her to cruelty, parents of 'A' have also deposed that 'A' was subjected to cruelty at her husbands house. Decide the relevancy of suicide note by referring appropriate provisions of law of evidence and with appropriate case-Laws
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