



**NAVRACHANA
UNIVERSITY**
a USC recognized University

School: School of Business and Law
Program/s: Law Program
Year: 4th **Semester:** VIIth
Examination: End Semester Examination
Examination year: December - 2021

Course Code: LE401 **Course Name:** Law of Evidence
Date: 01/12/2021
Time: 02:30 - 04:30 PM

Total Marks: 40
Total Pages:

Instructions:

Write each answer on a new page.

- Use of a calculator is permitted/not permitted.
→ * COs=Course Outcome mapping. # BTL=Bloom's Taxonomy Level mapping

| Q. No. | Details | Marks | COs | BTL* |
|--------|--|-------|------------------------------|----------------------------------|
| Q.1 | <p>Read the following and answer the questions below</p> <p>A was charged with the murder of one B, a prostitute, by cutting her throat with razor. While she was still alive, B, with her throat cut, was taken to police station, where she was questioned by her mother in the presence of a sub-inspector, then by the sub-inspector. She was then taken to the hospital where she was questioned by the magistrate; she was unable to speak but conscious and was had to make signs.</p> <p>The magistrate mentioned certain names and asked regarding them one by one if they wounded her. She waived her hand backward and forward, thus making a negative sign. Then she was questioned whether Abdullah had wounded her; she moved her hand up and down. This was understood as a sign of affirmation by the magistrate.</p> <p>Based on the above answer the following 2.5 x 2=5</p> <ol style="list-style-type: none"> Based on the above situation discuss the relevancy of the statement and whether it can be admitted by the court of law? Explain whether the gestures of the victim comes within the meaning of statement or a conduct? | 5 | CO 1 CO 2 | BTL 1 BTL 2 |
| Q.2 | <p>Answer the following (any five) 5x5=25</p> <ol style="list-style-type: none"> With the help of case laws explain what do you mean by a dying declaration? What are the secondary evidence? What are the circumstances when secondary evidence of documents is applicable instead of primary evidence? What do you mean by presumptions under the Indian Evidence Act? What is res gestae? Explain with suitable cases. | 25 | CO 1 CO 2 CO 3 CO 4 | BTL 1 BTL 2 BTL 3 BTL 4 |

| | | | | |
|-----|--|-----------|----------------------|------|
| | <p>5. After B was robbed, C said in A's presence — “the police are coming to look for the man who robbed B,” and immediately afterwards A ran away. Is it a relevant fact, explain?</p> <p>6. When is the difference between confession and admission.</p> | | | |
| Q.3 | <p>Write short notes on (any two) 5x2=10</p> <p>1. Relevant fact</p> <p>2. Fact-in-issue</p> <p>3. Examination-in -chief</p> | 10 | CO 2 CO 3 Co 4 | BT 1 |

*****End of Question Paper*****