24802527 (Pages : 2) Reg. No.....

Name.....

FIVE YEAR B.A./B.Com./B.B.A., LL.B. (HONOURS) DEGREE EXAMINATION, APRIL 2024

Sixth Semester

FL 17—LAW OF EVIDENCE

(2020 Admissions—Regular/2018 and 2019 Admissions—Supplementary)

Time : Three Hours Maximum : 75 Marks

Part A

Write short notes on any **five** *of the following.*
Each question carries 3 *marks.*

1. 'May presume' and 'shall presume'.
2. Plea of *Alibi*.
3. Evidence of similar facts.
4. Relevancy of character in criminal cases.
5. Estoppel by record.
6. *Voire Dire* test.

(5 × 3 = 15 marks)

Part B

Answer any **three** *of the following problems.*
Each question carries 10 *marks.*

7. 'A', a woman, whose throat had been cut by some sharp-edged weapon, indicated by gestures before her death that 'B' was the person who had cut her throat. Is this statement of 'A' made by gestures admissible as evidence against 'B' ? Substantiate your answer by referring to leading decisions on the point.
8. 'X' prosecutes 'Y' for stealing a cow from him. 'Y' is convicted, 'X' afterwards sues 'Z' for the cow, which 'Y' had sold to 'Z' before his conviction. Discuss the relevancy of the judgment against 'Y' as between 'X' and 'Z'.
9. 'P_1' is the original Will executed by the testator in his own handwriting. While 'P_2' is the typed copy of original Will, 'P_3' is its carbon copy. Another photostat copy 'P_4' is made from the typed copy. In a situation where the original Will happens to be lost, examine, in light of relevant legal provisions, the admissibility of 'P_2', 'P_3' and 'P_4' to prove the contents of the Will.

10. 'M' contracts, in writing, with 'R', for the delivery of certain goods upon stipulated conditions. The contract mentions the fact that 'R' had paid 'M' the price of some other goods verbally contracted on another occasion last year. Now, 'M' wishes to adduce oral evidence over the fact that no payment was made for the other goods. How far the new fact can be proved ? Advice 'M'.

(3 × 10 = 30 marks)

Part C

Answer any **two** *of the following questions.*
Each question carries 15 *marks.*

11. Define the term 'confession' and distinguish it from admission. Discuss in detail the law relating to confessions under the Indian Evidence Act.

12. "One single principle runs through all the propositions relating to documentary evidence. It is that the very object for which writing is used is to perpetuate the memory of what is written down, and to furnish permanent proof of it." In the light of the above exerpt, analyse the principle of exclusion of oral by documentary evidence.

13. Explain the doctrine of *estoppel*. What is meant by the statement "*Estoppel* is a rule of evidence" ? How is *estoppel* different from '*res-judicata*' ? Enumerate the different kinds of *estoppel* using illustrations. Distinguish the concept of 'waiver' from '*estoppel*'.

(2 × 15 = 30 marks)