G 4295 (Pages : 2) Reg. No.....

Name.....

FIVE YEAR B.A. B.Com. B.B.A., LL.B. (HONOURS) DEGREE EXAMINATION, JULY 2023

Sixth Semester

FL 17—LAW OF EVIDENCE

(2019 Admissions—Regular/2018 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. Best evidence rule.
2. 'Disproved' and 'not proved'.
3. Doctrine of 'Confirmation by Subsequent Events'.
4. Presumption as to legitimacy of child.
5. Hostile witness.
6. Refreshing memory.

(5 × 3 = 15 marks)

Part B

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

7. 'A' is accused of murder of 'B'. 'A' wrote a letter addressed to his friend 'C' stating that he had committed that crime. The letter fell into the hands of a police officer. Is the content of this letter relevant as evidence against 'A' ? Comment.
8. 'A' was severely beaten. His dying declaration was recorded by a Magistrate, in which he implicated 'X' and 'Y'. 'A' survived due to medical treatment. 'X' and 'Y' were prosecuted for attempt to commit murder of 'A'. During the trial, the aforesaid dying declaration was sought to be given in evidence by the prosecution in support of its case. Examine the admissibility of the declaration.

Turn over

9. A Will executed by the father of Mr. 'K' is one that is registered. Mr. 'K' contends that the Will should be outrightly received by the court in evidence as it is already registered. The defence counsel demands cross-examination of attesting witnesses for proving the contents of the Will. Decide.

10. 'P' intentionally and falsely leads 'Q' to believe that certain land belongs to 'P', and thereby induces 'Q' to buy and pay for it. The land afterwards becomes the property of 'P' and 'P' seeks to set aside the sale on the ground that, at the time of the sale, he had no title. Will 'P' succeed ? Explain the special rule of evidence in this regard.

(3 × 10 = 30 marks)

Part C

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

11. What is meant by 'hearsay evidence' ? Discuss the rules relating to admissibility and exclusion of hearsay evidence under Indian law.

12. Who is an 'expert witness' ? Discuss the instances where the court is empowered to admit the opinion of experts. Comment on the evidentiary value of such testimonies. Refer to case laws to examine how the court reconciles incongruity in forensic evidence and ocular or direct evidence.

13. "Privileged communications are certain matters which a witness cannot either be compelled to disclose or even if the witness is willing to disclose, he will not be permitted to do so." Elucidate different kinds of privileged communication by highlighting the rationale for attributing such privileges.

(2 × 15 = 30 marks)