

**2019**

**LAW OF EVIDENCE**

**Fourth Paper**

**Full Marks : 80**

*The figures in the margin indicate full marks.*

*Candidates are required to give their answers in their own words  
as far as practicable.*

Answer **any two** questions.

1. (a) "The best evidence must always be given" — Discuss.  
(b) Discuss the objects of Indian Evidence Act. 20+20
2. (a) "All confessions are admissions but all admissions are not confessions" — Discuss.  
(b) State the circumstances under which a confession by an accused is relevant. 25+15
3. Distinguish between : 20×2
  - (a) Primary Evidence and Secondary Evidence
  - (b) Direct Evidence and Circumstantial Evidence.
4. (a) "An accomplice is unworthy of credit unless he is corroborated in material particulars" — Discuss.  
(b) Discuss the law relating to 'Presumption of the legitimacy of a child'. 20+20
5. Discuss the facts of which the court must take judicial notice. 40
6. (a) "In civil cases the character of any person is irrelevant" — Discuss.  
(b) "A lunatic is not competent to testify" — Explain. 30+10
7. (a) "The judge may ask the party proposing to give the evidence" — Discuss the power of the Judge as to admissibility of evidence.  
(b) A Barrister is instructed by an Attorney that an important witness is a dakait. In this context discuss the provisions of Evidence Act regarding examination of the witness.  
(c) "The credit of a witness may be impeached" — Discuss. 15+10+15
8. (a) "The improper admission or rejection of evidence shall not be ground for a new trial unless there are sufficient materials in the case to justify the decision" — Discuss.  
(b) A witness is asked whether he was dismissed from service for dishonesty. He denies it. Examine whether such questions will be excluded or not. 25+15

**Please Turn Over**

**9.** Write notes on (*any two*) :

20×2

- (a) Res gestae
- (b) Expert Opinion
- (c) Extra-Judicial Confession
- (d) Burden of Proof.

**10.** Write a note on 'Exclusion of oral evidences by Documentary Evidences'.

40

---