

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Law of Evidence
Course Code: CLCC 2008

Programme: B.A., LL.B. (HONS.) ENERGY LAWS - B1
Semester: IV

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	a) "Hearsay evidence is not admissible in evidence". Elaborate the statement along with exceptions to this rule. b) Define and explain three stages of examination of witnesses in a criminal trial.	20	CO1
Ans.			
2	"In a criminal trial, the burden of proof is on the prosecution". Interpret the statement with the help of relevant legal provisions and case laws. Also explain the exceptions to the above rule, if any.	20	CO2
Ans.			
3	When can the court say that the witness has turned hostile? Whether the evidence given by such a witness still relevant and admissible? Critically evaluate with the help of relevant case laws and legal provisions.	20	CO3
Ans.			
4	A is accused of murdering his wife by smothering and poisoning. On a fateful night, the couple went to their bedroom and on the next morning, she was found dead. When A was interrogated after the arrest, he told the investigating police officer this: " I have concealed the bottle containing poison under the bushes situated beyond Gohar; I have concealed the towel and vest under the heap of rubbish and the steel kauli in the Lakota of the cow-shed". This led to the recovery of Ex. P5 bottle (green insecticide) from tobacco	20	CO4

	bushes, Ex. P6 towel and Ex. P7 vest from the heap of rubbish situated in the compound of his residence and Ex. P8 steel Kauli from his cow shed. Defence plea is that the recoveries cannot be used as evidence as confession was made to a police officer, places from where the recoveries were made were open and accessible to other and PW who was present when recovery was effected said that the accused had not made any disclosure statement in his presence. Critically evaluate the evidentiary value of the statement and the said recoveries concerning the provision of the Indian Evidence Act and relevant case law.		
Ans.			
5	Mr Rajiv communicated to his wife Ms Sudha the whole episode as to how he misappropriated the money from the Halloween Party and obtained neckless for her. Five years later, Mr Rajiv and Ms Sudha separated as their marriage was declared void by the court. Ms Sudha married Mr Rahul. Two years later, in a case of possession of assets disproportionate to the income, Rajiv was prosecuted. Can Sudha be produced as a witness against Mr Rajiv? Critically evaluate this situation. A communication between a lawyer and his client is privileged subject to a certain condition. Explain with the help of relevant provision and illustrations.	20	CO3
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.