

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR****Course: Law of Evidence
Semester-V (Batch: 2014-19)****Mid Semester Test: August-2016****Date: 8th August, 2016****Duration: 2 hours****Max. Marks: 30****Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Marks

- Q.1 On 23.07.2016, at about 9 p.m., Reetu along with her sister Meetu, while standing at Sector 11 of Gandhinagar, six persons forcibly lifted Reetu and put her in red maruthi van. The said incident was recorded in CC TV camera, which was fixed to the nearby building called Suman towers. Even though, lot of hue and cry was raised by Reetu as well as by her sister, but no one came forward to help her. She was then taken to a vacant place near a bhat circle's bridge. After reaching there, accused persons noticed separate room in the vacant place and subjected her forcible sexual intercourse by a hefty man who was being called as Kaka and by another man, who was gitta (short statured), having a beard. Others were simply waiting outside the room at a distance of half kms in the dark. At around 10 p.m., Reetu escaped from the room and managed to reach main road near the bhat circle. Immediately, she met Karim, an auto driver, and told him about the incident. At around 10.20 p.m., Karim, after dropping Reetu to her home near Sector-11, while going back met with an accident. Though Sardar, another auto driver came to Karim's rescue to save his life but Karim died in the spot. Before he die, told Sardar about Reetu's incident. Reetu after reaching home at about 10.25 p.m. narrated the incident to her mother, Rukmini bhen. Reetu along with her mother at 10.45 p.m. reached to the police station and lodged a complaint about the incident. Next day, Police arrests all six accused persons based on CC TV footage. Since the offence of rape had taken place at night and prosecutrix was unable to identify the accused properly, the police conducts the test identification parade to Kaka and Gitta. Also, the police along with the accused persons reached the spot, where the alleged rape had committed and accused persons identifies the place where the offence was committed. The police were also taken the photographs of marks of the slippers of the victim and the two other accused persons, which was found on the floor of the room, where the alleged rape had committed. The police also seized the mobile phones of all six accused persons, where in, they found the recordings of conversation about their preparation for commission of crime. But one of the accused namely, Meeraj had an evidence show that, he was attended a divorce case before the family court at Mumbai on the day of incident and also a second show movie ticket of 'Kabali' in the Eroes theatre.

(10)

Discuss the relevancy and admissibility of the evidence based on the above given facts with the help of decided cases.

- Q.2 The rule of evidence is that, "where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it."-Elucidate with the help of illustrations and decided cases. (08)
- Q.3 Answer **any two**: (2x6=12)
- (a) When the admission can be proved by or on behalf of the person who makes them
 - (b) Relevancy and admissibility of facts to prove right or custom
 - (c) Evidentiary value of Circumstantial evidence
