

Mid Semester Test: August-2017

Law of Evidence

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR****Course: Law of Evidence  
Semester-V (Batch: 2015-20)****Mid Semester Test: August-2017****Date: 19<sup>th</sup> August 2017****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.
- Draw the diagrams only with pencil.
- 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****Answer all Questions**

- Q.1 Kailashnath, while he was going for a jogging at 8 AM on 12-08-2017, attacked by Ramanathan, his brother and started beating him on his head with a wooden stick, resulting he died on the spot. Eshwar saw the incident at the relevant time during the beating and started running from the place immediately and on the way met Ganesh, his friend and told him about what he had seen. Since, Eshwar was shocked with the incident, admitted in the hospital due to low Blood Pressure. On 13-08-2017 at 8 AM, Eshwar again narrated the whole incident to another friend namely Mr. Mustafa finally died due to heart attack in the hospital. After the incident, Ramanathan went to a distance of 1kms and sat near road side shop and ordered Coke. While, he was drinking Coke, one Mr. Mahesh in his presence told to the shop owner that, 'there was a murder happened nearby place and police team along with sniffer dogs were coming for search of a person who have committed murder'. After listening to the statement of Mahesh, Ramanathan started running from the place. During the investigation, police recorded the statement of Ms. Parvathi, wife of Kailashnath that, there was property dispute between her husband and Ramanathan and the case pertaining to the same is pending before the Civil Court. She also stated that, Ramanathan knows about the fact that, her husband used to go for jogging every day morning. The police also found the mobile phones of Kailashnath and Ramanathan on the spot. In which, they have noticed the phone number of Ramanathan at 7.30 AM in the received call register of Kailashnath's Mobile and conversation recorded in the automatic call recorder software before the incident. Discuss the relevancy and reliability of the statement of the witnesses and material evidence in the above case? Substantiate your answer with the help of relevant provisions of the Indian Evidence Act, 1872 and leading cases. (7.5)
- Q.2 The question is, whether Nirbhaya was ravished. The possible hypothetical facts available may be that, shortly after the alleged rape, she went to the police station and made a complaint relating to the crime (or) without making a complaint, after the alleged (02)

- Q.2 The question is, whether Nirbhaya was ravished. The possible hypothetical facts available may be that, shortly after the alleged rape, she went to the police station and made a complaint relating to the crime (or) without making a complaint, after the alleged rape, she went back home and next day morning told her mother about the incident (or) without making a complaint, next day evening met her friend Ms. Abhaya and narrated the whole incident and finally committed suicide on the same day. Discuss the relevancy and admissibility of the facts for each circumstance with the help of relevant provisions (02)

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of the Indian Evidence Act.

- Q.3 What is the rule of evidence to prove the offence of 'conspiracy'? Explain with differentiating between 'the facts which are falling when the conspiracy was in footing' (or) 'was not in footing' with the help of decided cases? (7.5)
- Q.4 "Facts not otherwise relevant are relevant (a) if they are inconsistent with any fact in issue or relevant fact and (b) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable"- Elucidate the above rule of evidence with the help of relevant provisions and decided cases or illustrations. (06)
- Q.5 What is an Admission and whose statements are termed as an Admissions? Explain the exception to the general that, 'Admissions can be used against the party who makes them but not on his own behalf' with the help of examples or illustrations? (07)

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