

**M.S COLLEGE OF LAW**  
**M.H. MOHANI ROAD, KAUSA, MUMBRA**

**SUBJECT: LAW OF EVIDENCE**  
**QUESTION BANK**

Q.1:- Answer the following in not more than TWO sentences

1. What is Res Gestae?
2. Difference between a statement and confession.
3. When facts not otherwise relevant becomes relevant.
4. Opinion of expert, when relevant?
5. Presumption as to Dowry Death?
6. In what circumstances leading questions cannot be asked.
7. What is the evidentiary value of an accomplice.
8. What is hostile witness?
9. What is document? Give any two examples.
10. What is common intention?
11. Define Affidavit. What are its contents?
12. What is the meaning of Approver?
13. What are facts in issue?
14. What is Admission and Confession?
15. What is conclusive proof?
16. What is Judicial notice?
17. What is Primary evidence?
18. Upon whom is the burden of proving a person alive?
19. When can a judge put questions to a witness?
20. Who is an accomplice?

Ques .2- Short Notes.

1. Critically comment on facts which need not be proved?
2. Burden of Proof.
3. Conclusive Proof.
4. Doctrine of Estoppel.
5. Explain with examples proved, disproved and not proved.
6. Statement of persons who can be called as witness.
7. Experts and relevancy of his opinion.
8. Blind Witness and Dumb Witness.
9. Presumptions under the Evidence Act.
10. Law relating to Hostile witness
11. Privilege communication and its exceptions.
12. Character of person in Civil and Criminal Cases.

### Ques:3- Situational Based

1. Advocate Tanaji was appointed in the criminal case against the pauper, by magistrate. The Advocate appeared in the case at trial and found that the witness tendered by prosecution is a dumb person and prosecutor himself was narrating to court what that dumb witness has seen at the scene of offence.
  - i) Can such witness testify in a case at the Court?
  - ii) Was the prosecutor correct? Justify.
  - iii) What should have he done?
2. Priti agrees in writing to sell a horse to Pradeep for Rs. 1,000/- or Rs. 1,500/-
  - a) Whether evidence can be given to show which price was to be given?
  - b) Give reason with provision.
3. Sudhir a Government servant, commits misappropriation of funds for the purpose of marrying his daughter. Sudhir communicates this to his wife Wani. Five years later, Sudhir and Wani got divorced. A year after divorce, Sudhir is put on trial for the offence of criminal misappropriation, Wani is produced as a witness by prosecution against Sudhir. Can Wani's testimony be accepted by Court? Discuss.
4. A seriously injured victim on reaching the hospital tells the doctor on duty that "X has stabbed me because.....", and before completing the sentence, he collapses and dies. Discuss the relevancy and veracity of the above dying declaration in the trial of X for murder.

According to Supreme Court of India, Dying Declaration can be the sole basis of conviction subject to certain precautions. What are these precautions?
5. Radha was burnt alive by her husband Ravi for not fulfilling his demands for dowry. In the hospital, Radha dies but before dying, she makes a statement relating to her death, to the nurse who was present there at the time of her treatment.
  - i) Does the statement made by Radha amounts to Dying Declaration

### Ques : 4- Answer in detail

1. Explain and distinguish between direct evidence and circumstantial evidence.
2. Explain in details kinds of confession and consequences of a confession.
3. Hearsay evidence is no evidence, Explain this proposition. Are they exception.
4. What is the meaning of relevant facts under Evidence Act? Explain giving examples and case law, if any.
5. What is Dying Declaration and its evidential value?
6. What are primary evidence and secondary evidence? How to prove primary and secondary evidence? When secondary evidence can be given?
7. What is documentary evidence? Is electronically recorded evidence oral or documentary are real one? Point out the difference.
8. When may the court presume a fact? Explain the law relating to presumption of fact.
9. When is the statement of a third person taken as relevant in the court?
10. Who is a witness? When is a communication said to be a professional communication?
11. Evidence may be given of facts-in-issue. Analyze the statement critically.
12. Define evidence. Which are the different kinds of evidence?