

**SCHOOL OF LAW,
HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH
(HILSR),**

JAMIA HAMDARD, NEW DELHI

End Semester Theory Examination, May/June 2024

B.A. LL.B. VIIIth Semester

Subject: The Law of Evidence – I (B.A.L.L.B. – 803)

Time: 3 Hours

Maximum Marks: 75

Instructions:

- I. *Write your Roll Number on the top immediately on receipt of this question paper.*
- II. *Attempt five questions selecting one from each Unit. All questions carry equal marks.*

Unit I

(15 Marks)

1. a) Explain the principle of *Res Gestae* with the help of relevant case laws.
b) Define “fact”, “facts in issue” and “evidence”.

OR

2. a) “Evidence may be given of facts in issue and relevant facts.” Explain with reference to the relevant provisions of law and case laws.
b) A suitor does not bring with him and have in readiness for production at the first hearing of the case, a bond on which he relies. Will Section 5 of the Indian Evidence Act, 1872 enable him to produce the bond or prove its contents at a subsequent stage of the proceedings?

Unit II

(15

Marks)

3. a) Explain the concept of *alibi* with reference to the relevant provisions of law, illustrations and case laws.

b) What is the purpose and evidentiary value of a Test Identification Parade (TIP)? Explain with the help of relevant provisions of law and case laws.

OR

4. a) A famous singer was shot dead by unidentified gunmen when he was travelling in his car. A gangster based abroad claimed responsibility for the killing. Initial investigation by the police revealed that the incident was a culmination of inter-gang rivalry having transnational reach. More than a twelve persons were arrested during the investigation which was jointly carried out by the police of several States. Evidence was sought to be given about the inter-gang rivalry, procuring of arms, hiring of shooters, money paid to the shooters, the deceased singer being followed and a video message claiming responsibility for the killing. Discuss the relevancy of these under Section 10 of the Indian Evidence Act.

b) What is the evidentiary value of entries made in a diary or loose sheets? Explain with the reference to the relevant provisions of law and case laws.

Unit III

(15 Marks)

5. a) A 19-year-old girl was gang raped and badly injured during the incident due to strangulation. Though the girl was shifted to a hospital for treatment, she succumbed to her injuries two weeks later. She initially informed her brother about the strangulation but did not inform him about gang rape as she was in and out of consciousness. No sexual assault evidence collection was done on her and only the fact of strangulation was established. However, a sexual assault forensic examination report was prepared after a span of eight days which detailed sexual assault on her. Due to lapse of time, her vaginal swabs did not detect any semen samples. Meanwhile, on three separate occasions she gave her dying declaration wherein she consistently mentioned about the gang raped committed on her. Evaluate the evidentiary value of her dying declaration and expert forensic evidence in light of the given facts with the help of relevant provisions of law and case laws.