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**JKPSC
Prosecuting Officer
(Mains)**

**Previous Year Paper
Indian Evidence Act 1872
Paper-V 22 Feb 2022**



Total No. of Printed Pages-4]

Roll No. _____

PAPER - V
INDIAN EVIDENCE ACT, 1872

Time Allotted - 3 Hours

Maximum Marks-250

INSTRUCTIONS

- i) *Question paper contains Two parts A and B.*
- ii) *Any Five questions in all selecting minimum Two questions from each part.*
- iii) *All questions shall carry equal marks.*
- iv) *The part/parts of the same question must be answered together and should not be interposed between answers to other questions.*
- v) *If you encounter any typographical error, please read it as it appears in the text book.*
- vi) *Candidates are, in their own interest, advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.*
- vii) *No continuation sheets shall be provided to any candidate under any circumstances.*
- viii) *Candidates shall put a cross (×) on blank pages of Answer Script.*
- ix) *No blank page be left in between answer to various questions.*

PART - A

1. (a) Explain the expressions 'May Presume', 'shall presume' and 'Conclusive proof' as used in Section 4 of Indian Evidence Act with the help of decided case laws. (25)
(b) If a person making dying declaration happens to live, can the declaration be admitted in evidence? If so, what will be the value of such statement in laws? Discuss with the help of statutory provisions and decided case laws. (25)
2. (a) "A' who is charged with travelling on a Railway without a ticket says he had a ticket". Discuss with help of statutory provision and decided case law on whom the burden of proving lies. (25)
(b) Accused is facing trial under section 376 of IPC for having raped one 'B' on Oct 10, Shortly after the departure of the accused from her bedroom she had made a statement to her mother-in-law regarding the circumstances of her rape by the accused. On Oct 20, she was found drowned in nearby canal. Her mother-in-law is called to give evidence of the statement which the deceased 'B' had made to her. It is contented that it is admissible under section 32(1), 6 and 8 of the Evidence Act. Is it Correct? Discuss with the help of statutory provision and decided case law. (25)
3. (a) Define 'Admission' Enumerate the persons whose admission constitute evidence against another person. Distinguish between Admission and Confession. (25)
(b) A and B his wife are charged with the murder of a baby entrusted to them for Nursing. The prosecution adduces evidence that several babies entrusted to the two accused were never heard of thereafter and the dead bodies of several infants entrusted to them on payment of money for nursing were found near their residence buried in the yard of house occupied by them. Discuss in the light of given statement, statutory provisions and decided case laws, is the evidence relevant and admissible? (25)
4. (a) 'A' was tried on the charge of committing theft of three chemical drums from the premises of the Bombay Port Trust on 18 Jan 2021. During the investigation of the case he made the following statement to the investigating officer of the case while in custody:
"I will tell the place of deposit of the three chemical drums which I took out from the Haji Bunder (Bombay Port Trust)"
This statement was given on 29 June 2021. As a result of this statement of 'A' three stolen drums were recovered from the compound or yard of a 'Musafirkhana' i.e. a waiting place. The drums were not concealed.
Discuss in the light of statutory provisions and decided case law, whether the whole or any part of the statement of 'A' was admissible in evidence against 'A' at his trial and whether an inference under illustration (a) to Section 114, Evidence Act, that 'A' was the thief or a receiver of stolen property could be raised against him. (25)

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(2)

- (b) 'A' and 'B' two brothers were attacked by the appellants, causing them serious injuries to which both the brothers succumbed. Soon after the incident 'C', wife of 'B' went to the spot. She found 'A' lying unconscious but her husband though injured was conscious and told her that the appellants had attacked them with lathis and other weapons. 'D' the father of 'A' and 'B' also rushed to the spot and 'B' made a similar dying declaration before 'D'. Trial Court convicted the appellants believing the statements of 'C' and 'D'. In appeal, it was contended on behalf of appellants that both 'C' and 'D' are close relations of the deceased 'B' so the dying declaration made by them should not be made the basis of conviction, because there was no independent corroboration. Discuss the above case in the light of statutory provision and decided case law. (25)

PART - B

5. (a) Write a note on 'Decoy Witness' with the help of decided case laws. (15)
- (b) All admissible evidence is relevant but all relevant evidence is not necessarily admissible. A deceased made the statement that "*A statement to the police officer which was treated as one FIR of the case and when same police officer investigated the case later*". The deceased was in precarious condition soon after the occurrence. Discuss with the help of decided case laws and statutory provision, whether all or any of the above dying declaration should be admitted in evidence. Give reasons. (15)
- (c) "Oral Evidence in all cases must be direct", explain this rule with illustration of decided case laws and exceptions as referred to in the statutory provisions. (20)
6. (a) Write note on 'Hearsay Evidence' with the help of decided case laws. (15)
- (b) A is charged with shooting at 'B' with the intent to kill him. In order to prove 'A's' intent, the prosecution wants to prove the fact that 'A' has earlier shot at one 'C'. In the light of given statement and statutory provision, discuss whether in this case the facts sought to be proved are relevant? (15)
- (c) Enumerate the case in which documents may be proved by secondary evidence with help of statutory provision and decided case law. (20)
7. (a) What do you understand by presumption? (10)
- (b) Classify Presumption and give illustration in the light of provision under Indian Evidence Act and decided cases of each of such kinds of presumptions. (20)
- (c) The law commission of India as well as Supreme Court suggested for incorporation of presumption in cases of custodial death. Discuss about the necessity, if any, for amendment in Indian Evidence Act to ensure justice for victims of custodial death. (20)

8. (a) The question is whether certain goods ordered from 'B' were delivered to 'A'. The goods were delivered to several intermediate persons successively. Is each delivery a relevant fact? Discuss with the help of statutory provisions and decided case laws. (15)
- (b) When can a confession alleged to have been made by an accused who is jointly tried with another accused be taken into consideration by the court as against the other accused? Discuss with the help of decided case law and statutory provisions upon which the law is based. (15)
- (c) Under what circumstances are the previous depositions admission in the subsequent proceedings? Discuss in the light of statutory provision and decided case law. (20)