West Bengal Judicial Service (Mains) 2019

Indian Evidence Act · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer Question No. 1 and any two from the rest

1. (a) "There are several divisions of evidence which although in some degrees arbitrary, it will be found useful to bear in mind." Specify these divisions, adding explanatory notes in each case. (b) Explain the difference as to the effect of evidence in civil and criminal proceedings. (12+8=20)

2. (a) What is meant by 'instruments of evidence'? Classify them with illustrations. (b) Has the maxim "falsus in uno falsus in omnibus" received general acceptance in the courts of law in India? (7+8=15)

3. (a) State the kinds of statements of a dead person that are relevant and can be tendered in evidence. (b) The question is the date of birth of S. A letter from his deceased father to a friend, announcing the birth of S on a given day, is produced. Discuss its admissibility in evidence. (10+5=15)

4. (a) Mention all the cases in which secondary evidence of the existence, condition or contents of a document may be given. (b) Explain the distinction between 'patent ambiguity' and 'latent ambiguity' in a document. (8+7=15)

Group B: answer Question No. 5 and any two from the rest

5. (a) "An accomplice shall be a competent witness against an accused person and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice." Discuss. (b) Write a short note on 'corroboration'. (12+8=20)

6. (a) When can a party put leading questions to a witness? (b) Is the judge entitled to put a leading question to a witness? (8+7=15)

7. (a) Indicate the application of the rule of estoppel as between a landlord and his tenant. (b) What do you understand by 'estoppel in pais'? (10+5=15)

8. (a) What is the provision regarding 'refreshing the memory' of a witness in the Indian Evidence Act? (b) Is improper admission or rejection of evidence a ground for a new trial? Discuss. (7+8=15)