

**THE INDIAN EVIDENCE ACT, 1872**

**Class Test**

**Total Questions: 200**

**Maximum Marks: 200**

**Duration: 3:00 Hours**

**Negative marking: 0.25 marks per question**

1. Under section 8 of the Evidence Act, evidence of motive or preparation becomes important when a case depends upon the –
  - (a) Direct evidence only
  - (b) Circumstantial evidence only
  - (c) Both direct and circumstantial evidence
  - (d) Neither in direct nor in circumstantial evidence
2. A collateral fact may be admissible as relevant under section 11 of the Act, when the following requirement/requirements may be fulfilled. The requirement/requirements is/are that –
  - (a) The collateral fact must itself be established by reasonably conclusive evidence.
  - (b) The collateral fact, when established, affords a reasonable presumption or inference as to the matter in dispute.
  - (c) Either (a) or (b)
  - (d) Both (a) and (b)
3. A, the landowner, filed a suit for ejectment against B, a tenant. B alleged that he was a permanent tenant at a fixed rent under an agreement with the original owner of the land, which was dead, and put in evidence, the statements made by the original owner after he had transferred his interest.
  - (a) The statements are admissible.
  - (b) The statements are inadmissible.
  - (c) The statements are conclusive in nature.
  - (d) The statements create an estoppel.
4. The Admissions duly proved are admissible evidence if –
  - (a) The party making them appeared in the witness box.
  - (b) The party when appearing as witness was confronted with those statements in case he made a statement contrary to those admissions.
  - (c) The party making them appeared in the witness box and was confronted with those statements in case he made a statement contrary to those admissions.
  - (d) Irrespective of whether the party making them appeared in the witness-box or not, and whether that party when appearing as witness was confronted with those statements in case he made a statement contrary to those admissions.
5. An admission is distinct from the former statement of a witness which is cited to contradict him. An admission can be proved without confronting the maker with his earlier statements. There is a cardinal distinction between a party who is the author of

prior statement and a witness who is examined and is sought to be discredited by the use of his prior statement.

Select the correct statements by using the code –

- i. In the former case, an admission by a party is substantive evidence if it fulfills the requirements of section 21 of the Act.
  - ii. In the later case, a prior statement is used to discredit the credibility of the witness and does not become substantive evidence.
  - iii. In the former case, there is not necessary requirement of the statement containing the admission having to be put to the party because it is evidence *proprio vigore*.
  - iv. In the later case, the court cannot be invited to disbelieve a witness on the strength of the prior contradictory statement unless it has been put to him, as required by section 145 of the Act.
  - v. In the former case, there is a necessary requirement of a statement containing the admission having to be put to the party because it is not evidence *proprio vigore*.
  - vi. In the later case, the court can be invited to disbelieve a witness on the strength of the prior contradictory statement unless it has not been put to him, as required by section 145 of the Act.
- (a) (i), (ii), (iii), (vi)  
(b) (i), (ii), (iii), (iv)  
(c) (i), (ii), (iv), (v)  
(d) (i), (ii), (v), (vi)
6. Which of the following section gives effect to the maxim '*interest reipublicae ut sit finis litium*' –
- (a) Section 23 of the Evidence Act  
(b) Section 21 of the Evidence Act  
(c) Section 165 of the Evidence Act  
(d) Both sections 21 and 165 of the Evidence Act
7. Match the following statements with correct provisions of the Act –
- |   |                          |
|---|--------------------------|
| i. Statement is made in will or deed relating to the family affairs.                              | (A) Section 32(8) of Act |
| ii. Statement relates to existence of relationship.   | (B) Section 32(7) of Act |
| iii. Statement contained in document relating to transaction mentioned in section 13, clause (a). | (C) Section 32(6) of Act |
| iv. Statement is made by several persons and expresses feelings relevant to matter in question.   | (D) Section 32(5) of Act |
- (a) i-C, ii-D, iii-B, iv-A  
(b) i-C, ii-D, iii-A, iv-B  
(c) i-D, ii-C, iii-B, iv-A  
(d) i-D, ii-C, iii-A, iv-B
8. The statement of a person as to the cause of his injuries becomes a dying declaration relevant under section 32 of the Act, if he subsequently dies. But if he survives of injuries, then his statement cannot be proved under section 32 of the Act. But it may become relevant under -
- (a) Section 21(1) of the Evidence Act  
(b) Section 157 of the Evidence Act

- (c) Sections 21(1) or 157 of the Evidence Act  
(d) Section 157 of the Evidence Act only and not under section 21(1) of the Evidence Act
9. Section 33 of the Evidence Act enumerates the cases in which the evidence given by witnesses either in judicial proceedings or before any person authorized by law to take it, is relevant in subsequent judicial proceedings or in later stage of the same proceeding. Such cases/circumstances are \_\_\_\_\_ in numbers.  
(a) Four  
(b) Five  
(c) Six  
(d) Seven
10. In light of section 33 of the Evidence Act, the evidence given by a witness will be admissible only –  
(i) If the proceedings was between the same parties, or their representatives in interest.  
(ii) If the proceedings was between the same parties and not between their representatives in interest.  
(iii) If the adverse party in the first proceeding had the right to cross-examine.  
(iv) If the adverse party in the first proceeding had the right and opportunity to cross-examine.  
(v) If the questions in issue were substantially same in the first as in the second proceedings.  
(vi) If the questions in issue were substantially same in the second as in the first proceedings.  
(vii) The question in issue need not to be substantially the same but the proceedings was between the same parties and the adverse party in the first proceeding had the right and opportunity to cross-examine.
- Select the correct statements -  
(a) (ii) (iv) (v)  
(b) (i) (iii) (vi)  
(c) (i) (iv) (vii)  
(d) (i) (iv) (v)
11. A judgment in rem can only be impeached if it can be shown that –  
(a) The court has no jurisdiction  
(b) The judgment was obtained either by fraud or collusion  
(c) It was not given on the merits, or it was not final  
(d) Either of the above
12. Find out the correct answer –  
(a) A previous judgment passed on a compromise is a judgment in rem within the meaning of section 41 of the Evidence Act and therefore bar to a subsequent suit.  
(b) A previous judgment passed on a compromise is not a judgment in rem within the meaning of section 41 of the Evidence Act and therefore no bar to a subsequent suit.  
(c) A previous judgment passed on a compromise is not a judgment in rem within the meaning of section 41 of the Evidence Act but bar to a subsequent suit.  
(d) A previous judgment passed on a compromise is a judgment in rem within the meaning of section 41 of the Evidence Act but not bar to a subsequent suit.

13. Section 162 of the Evidence Act, refers to the -
- (a) Official documents
  - (b) Private documents
  - (c) Official documents only and not to the private documents
  - (d) Official as well as to the private documents
14. Section 163 of the Evidence Act, is applicable to the -
- (a) Criminal trials
  - (b) Civil actions
  - (c) Criminal trials as well as to the civil actions
  - (d) Criminal trials only and not to the civil actions
15. Which one of the following below given sections, gives the opposite party a right of inspecting documents used in court for the purpose of refreshing the memory of a witness? Where he may look at the writing to see that what kind of writing it is in order to check the use of improper documents.
- (a) Section 159 of the Evidence Act
  - (b) Section 160 of the Evidence Act
  - (c) Section 161 of the Evidence Act
  - (d) Section 164 of the Evidence Act
16. Select the correct statements:-
- i. The very purpose of test identification parade is to test the veracity of witness on the question of identity, therefore if such parade is not held, to reliance could be placed on the evidence about the identity of the accused.
  - ii. Where a witness identifies an accused that is not known to him in the court for the first time, his evidence is absolutely valueless unless there has been a previous test identification parade to test his power of observation.
  - iii. The idea of holding test identification parade under section 9 of the Evidence Act is to test the veracity of the witness on the question of his capability of identifying an unknown person whom the witness may have seen only once.
  - iv. If no test identification parade is held then it will be wholly unsafe to rely on his testimony regarding the identification of an accused for the first time in the court.
  - v. Delay in test identification parade by itself cannot be a ground to reject identification if otherwise the same is acceptable.
  - vi. Delay, however, is a circumstance to be given weight since normal course of conduct is that a duty is discharged by the officers immediately if otherwise there is no impediment and where delay is outcome of laches, bondfides to actions of the officers become doubtful.
  - vii. Where no laches can be inferred, mere delay by itself ought not to be a ground to reject the test identification parade. To draw an inference depends upon the judicial approach of the judge considering the matter.
  - viii. T.I.P by witnesses is not regarded as substantive piece of evidence; no conviction can be recorded merely on the identification of accused.
  - ix. T.I.P by witnesses is a substantive piece of evidence and therefore, conviction can be recorded merely on the identification of accused.
  - x. The evidence of identification in parade on its own and independently, without evidence and identification in court, is of a very weak character rather no evidence and has only corroborating value to the evidence in court.
  - xi. The evidence of identification in parade on its own and independently, without evidence and identification in court, is of a very weak character rather no evidence and has only contradicting value to the evidence in court.

- xii. Where the accused person is not previously known to the witness concerned then identification of the accused by the witness soon after his arrest is of great importance.
- xiii. Where the accused person is previously known to the witness concerned then identification of the accused by the witness soon after his arrest is of great importance.

- (a) (i), (ii), (iii), (iv), (viii), (xii)  
(b) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (xi), (xii)  
(c) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (x), (xii)  
(d) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (xi), (xiii)

17. Select the correct statements :-

- i. Section 10 of the Evidence Act does apply to incriminating statements made by accused to the police in course of investigation provided they incriminate themselves or others.
- ii. Section 10 of the Evidence Act does not apply to incriminating statements made by accused to the police in course of investigation whether they incriminate themselves or others.
- iii. Section 10 of the Evidence Act relates to things said or done by conspirator in reference to common design even if such statement made by the co-accused during course of investigation before the investigating agency is said to be relevant fact then also that alone cannot bind the makers of that statement along with other co-accused on the basis of such statement alone. That relevant fact might be taken into consideration if coupled with other circumstances or evidence available.
- iv. Section 10 of the Evidence Act relates to the things said or done by conspirator in reference to common design if such statement made by the co-accused during the course of investigation before the investigating agency is said to be relevant fact and that alone can bind the maker of that statement along with other co-accused on the basis of such statement alone.
- v. For the application of section 10 of the Evidence Act, it is not necessary to prove the conspiracy.
- vi. For the application of section 10 of the Evidence Act, it is necessary to prove the conspiracy
- (a) (i), (iii), (vi)  
(b) (i), (iv), (v)  
(c) (ii), (iv), (v)  
(d) (ii), (iii), (v)
18. The 'plea of alibi' is taken by the –
- (a) Defence and the same are required to be proved only after prosecution has proved its case against the accused.
- (b) Prosecution and the same are required to be proved only after defence has discharged his onus.
- (c) Defence and the same are required to be proved before the prosecution has proved its case against the accused beyond reasonable doubts.
- (d) Defence and the same are required to be proved either before or after the prosecution has proved its case beyond reasonable doubts, against the accused.
19. '*acta exteriora indicant interiora*' means -
- (a) External action reveals inner secret.
- (b) Inner action reveals outer secret
- (c) External action reveals outer secret
- (d) Inner action reveals inner secret

20. Admission is a statement, oral, written or inferred from conduct made by or on behalf of a party to a suit, and admissible in evidence, if relevant as against his interest. They may be either formal or informal.

Select the correct statement -

- (a) Formal admissions for the purpose of the trial may be made on pleadings and informal admissions may be made before or during the proceedings.
- (b) Formal admission may be made before or during the proceedings and informal admissions may be made before or during the proceedings.
- (c) Formal admissions or informal admissions may be made on pleadings only and no admission may be made before or during the proceedings.
- (d) Formal admissions or informal admissions may be made before or during the proceedings only and not on pleadings.

21. Select the correct statements –

- i. A mere proof of admission, after the person whose admission it is alleged to be has concluded his evidence, will be of no avail and cannot be utilized against him.
- ii. A mere proof of admission, after the person whose admission it is alleged to be has concluded his evidence, can be utilized against him.
- iii. An admission made by a person cannot be split up and part of it cannot be used against him.
- iv. An admission made by a person can be split up and part of it can be used against him.
- v. Admission made in the earlier proceedings can be used in subsequent proceedings without offending an opportunity of explanation to the person who made the statements.
- vi. Admission made in the earlier proceedings cannot be used in subsequent proceedings without offending an opportunity of explanation to the person who made the statements.
- vii. Admissions are substantive evidence by themselves, in view of Section 17 and 21 of the Evidence Act, though they are not conclusive proof of the matters admitted.
- viii. Admissions are substantive evidence by themselves, in view of section 17 and 21 of the Evidence Act and therefore, they are the conclusive proof of the matters admitted.

(a) (i), (iv), (v), (viii),

(b) (i), (iii), (v), (vii)

(c) (i), (iii), (vi), (vii)

(d) (ii), (iii), (v), (vii)

22. Under section 30 of the Evidence Act, the –

- i. Confession of a co-accused is a substantive piece of evidence.
- ii. Confession of a co-accused can only be taken into consideration but it is not in itself a substantive piece of evidence.
- iii. A prosecution proceeding can be initiated on the basis of confession of co-accused against any accused person and in support thereof other such evidence is not necessary.
- iv. Any prosecution proceeding cannot be initiated merely on the basis of confession of co-accused against any accused person and in support thereof other such evidence is necessary on the basis of which court can form its opinion.

- v. Section 30 of the Evidence Act, does not limit it to confessions made to the Magistrates.
  - vi. Section 30 of the Evidence Act; limit it to confessions made to the Magistrate.
  - vii. Section 30 of the Evidence Act is an unusual provision by which something which is not in the nature of evidence may be used against the accused person at the trial.
  - viii. The confession by a co-accused is not to be treated as evidence against another accused in the sense that conviction of the co-accused may not be supported.
  - ix. The confession by a co-accused is treated as evidence against another accused in sense that conviction of the co-accused may be supported.
  - x. A confessional statement can be used even against a co-accused but for such admissibility it is imperative, that the person making the confession besides implicating himself, also implicates others who are being jointly tried with him.
- (a) (i), (ii), (vi), (vii), (viii), (x)
  - (b) (ii), (iii), (v), (ix), (x)
  - (c) (ii), (iv), (vi), (vii), (viii), (x)
  - (d) (ii), (iv), (v), (vii), (viii), (x)
23. Under section 105 of the Evidence Act –
- i. The onus of proving exceptions mentioned in the Indian Penal Code, 1860 is on the accused, but the section does not at all indicate the nature and standard of proof required.
  - ii. The onus of proving exception mentioned in the Indian Penal Code, 1860 is on the accused and the section also indicates the nature and standard of proof required.
  - iii. The Evidence Act contemplates that the accused should prove his case with the same strictness and vigour as the prosecution is required to prove in a criminal charge.
  - iv. It is sufficient if the accused is able to prove his case by the standard of preponderance of probabilities envisaged by section 5 of the Evidence Act as a result of which he succeeds not because he proves his case to the guilt but because probability of the version given by him throws doubt on the prosecution case and, therefore, the prosecution cannot be said to have established the charge beyond reasonable doubts.
  - v. Where accused relies upon provocation in diminution of his responsibility, he has to prove that fact.
  - vi. The accused taking a plea in defence against the charge is not required necessarily to produce evidence in support of his plea. He can establish his plea by reference to circumstances as they emerge from the prosecution evidence itself.
  - vii. The accused taking a plea in defence against the charge is required necessarily to produce evidence in support of his plea. He cannot establish his plea by reference to circumstances as they do not emerge from the prosecution evidence itself.
  - viii. From a combined reading of section 105 and 4 of the Evidence Act, it may be inferred that where the existence of circumstances bringing the case within the exception is pleaded or is raised the court conclusively presume the absence of such circumstances as proved.
- Select the correct statements:
- (a) (i), (iii), (iv), (v), (vi), (viii)
  - (b) (ii), (iii), (iv), (v), (vi), (viii)
  - (c) (ii), (iii), (iv), (v), (vi)

- (d) (i), (iv), (v), (vi)
24. The principle underlying under section 106 of the Evidence Act, –
- (i) Is an exception to the general rule governing burden of proof, applies only to such matters of defence which are supposed to be especially within the knowledge of the defendant.
  - (ii) It can also apply when the fact is such as to be capable of being known also by persons other than the defendant.
  - (iii) It cannot apply when the fact is such as to be capable of being known also by persons other than the defendant.
  - (iv) This section casts a burden on an accused person to prove that no crime was committed by proving facts especially within his knowledge and it warrants the conclusion that if anything is unexplained which the court thinks the accused could explain, he ought therefore to be found guilty. It affect the onus of proving the guilt of the accused.
  - (v) Section 106 of the Evidence Act is not intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt, but it would apply only to cases where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding the existence of certain other facts unless the accused by virtue of his special knowledge regarding such facts, failed to offer any explanation which might drive the court to draw a different inference.
  - (vi) It is designed to meet certain exceptional cases, in which, it would be impossible for the prosecution to establish certain facts which are particularly within the knowledge of the accused.
- (a) (i), (ii), (iv), (vi)  
(b) (i), (iii), (iv), (vi)  
(c) (i), (iii), (v), (vi)  
(d) (i), (iii), (iv), (v), (vi)
25. Find out the correct statement –
- (a) So much of the information received from a person accused of an offence in custody of a police-officer as relates specifically to the fact thereby discovered is admissible under section 27 of the Evidence Act and can be proved against him; but any statement made to a police-officer which connects the fact discovered with the offence charged is inadmissible.
  - (b) So much of the information received from a person accused of an offence in custody of a police-officer as relates distinctly to the fact thereby discovered is admissible under section 27 of the Evidence Act and can be proved against him; but any statement made to a police-officer which connects the fact discovered with the offence charged is inadmissible.
  - (c) So much of the information received from a person accused of an offence in custody of a police-officer as relates distinctly to the fact thereby discovered is admissible under section 27 of the Evidence Act and can be proved against him; but any statement made to a police-officer which connects the fact discovered with the offence charged is admissible.
  - (d) So much of the information received from person accused of an offence in custody of a police officer as relates similarly to the fact thereby discovered is admissible under section 27 of the Evidence Act and can be proved against him; but any statement made to a police-officer which connects the fact discovered with the offence charged is inadmissible.



26. When any fact is deposed to as discovered in consequence of information –

- i. The 'fact' must be a 'relevant fact' (Section 5 of the Evidence Act).
- ii. The fact said to have been discovered in consequence of information received from a person accused of an offence must be of a kind which such information really helps to bring to light and which it would be difficult to find out otherwise before it can be treated as of any substantial probative value.
- iii. The fact must be the consequence, and the information the cause of its discovery. The information and the fact should be connected with each other as cause and effect.
- iv. The fact discovered must be in consequence of the information received from the victim, and the fact should not have been already within the prior knowledge of the police.
- v. The information should be free from any element of compulsion.
- vi. In order to utilise the provisions of section 27 of the Evidence Act, against an accused person an ordinary recovery cannot be turned into a discovery.
- vii. That portion of the information which merely explains the material thing discovered is admissible under section 27 of the Evidence Act, and can be proved.
- viii. Disclosure statement is a substantive evidence to convict the accused person.
- ix. The 'fact discovered' as envisaged under section 27 of the Evidence Act, embraces the place from where the object was produced, the knowledge of the accused as to it, but the information must relate distinctly to that object.
- x. The facts need to be self-probatory and the word 'fact' as contemplated in section 27 of the Evidence Act, is limited to 'actual physical' material object.
- xi. The expression 'accused of any offence' is descriptive of the person against whom evidence relating to information alleged to be given by him is made provable by section 27 of the Evidence Act. It does not predicate a formal accusation against him at the time of making the statement sought to be proved, as a condition of its applicability.
- xii. Mere recovery of incriminating articles at the instance of the accused is not enough to incriminate the accused unless it is also established that the recovered articles connect the accused with the alleged crime.

Select the correct statements:-

- (a) (i), (ii), (iii), (iv), (v), (vi), (vii), (ix), (x)
- (b) (i), (ii), (iii), (iv), (vii), (viii), (x), (xi), (xii)
- (c) (i), (ii), (iii), (v), (vi), (ix), (xi), (xii)
- (d) (i), (ii), (iii), (iv), (v), (vi), (vii), (ix), (x), (xi), (xii)

27. A relevant confession does not become irrelevant because it was made –

- (i) Under a promise of secrecy; or
- (ii) In consequence of a deception practised on the co-accused
- (iii) When the accused was drunk; or
- (iv) In answer to questions which the accused need to have answered; or
- (v) In consequence of the accused not receiving a warning that he was not bound to make it and it might be used against him and co-accused.
- (vi) Section 29 of the Evidence Act, applies to the criminal cases and is to be read along with section 24 of the Evidence Act.
- (vii) In consequence of the accused receiving a warning that he was not bound to make it and it might be used against him.

Select the right statements –

- (a) (i), (ii), (iii), (iv), (v), (vi)

- (b) (i), (iii), (iv), (v), (vi)
- (c) (i), (ii), (iii), (iv), (vi), (vii)
- (d) (i), (iii), (vi)

28. Choose the right answer –

- (a) The object of section 30 of the Evidence Act is that where an accused person unreservedly confesses his own guilt, and at the same time implicates another person who is jointly tried with him for the same offence, his confession may be taken into consideration against such other person as well as against himself, because the admission of his own guilt operates as a sort of sanction, which, to some extent, takes the place of the sanction of an oath and so affords some guarantee that the whole statement is a true one.
- (b) The object of section 30 of the Evidence Act is that where an accused person unreservedly confesses his own guilt, and at the same time implicates another person who is jointly tried with him for the same offence, his confession shall be taken into consideration against such other person as well as against himself, because the admission of his own guilt operates as a sort of sanction, which, to some extent, takes the place of the sanction of an oath and so affords some guarantee that the whole statement is a true one.
- (c) The object of section 30 of the Evidence Act is that where an accused person unreservedly confesses his own guilt, and at the same time implicates another person who is separately tried with him for the same offence, his confession may be taken into consideration against such other person as well as against himself, because the admission of his own guilt operates as a sort of sanction, which, to some extent, takes the place of the sanction of an oath and so affords some guarantee that the whole statement is a true one.
- (d) The object of section 30 of the Evidence Act is that where an accused person unreservedly confesses his own guilt, and at the same time implicates another person who is jointly tried with him for the different offence, his confession may be taken into consideration against such other person as well as against himself, because the admission of his own guilt operates as a sort of sanction, which, to some extent, takes the place of the sanction of an oath and so affords some guarantee that the whole statement is a true one.

29. What is the difference between clause (5) and (6) of section 32 of the Evidence Act -

- (i) **Clause (5)** refers to statements relating to the existence of any relationship between persons alive or dead, and the statement is to be made by a person who had special means of knowledge, that is, it imposes the restrictions that the person making the statement should have special means of knowledge. **Clause (6)** refers to the existence of relationship between deceased persons only; and it imposes no such restriction as under **clause (5)**. It is enough if the statement is made in a will or deed relating to the affairs of the family or in any family pedigree, etc., no matter by whom it was made.
- (ii) **Clause (6)** refers to the existence of relationship between deceased persons only; and it imposes no such restriction as under **clause (6)**. It is enough if the statement is made in a will or deed relating to the affairs of the family or in any family pedigree, etc., no matter by whom it was made. **Clause (6)** refers to statement relating to the existence of any relationship between persons alive or dead and the statement is to be made by a person who had special means of knowledge, that is, it imposes the restrictions that the person making the statement should have special means of knowledge.

- (iii) **Clause (6)** also refers to pedigree, but differs from **clause (5)** in this – that in **clause (5)** the evidence is the declaration of the person deceased or otherwise unproducible, in **clause (6)** the evidence is that of things, such as genealogical trees, tomb–stones, etc.
- (iv) The statement in **clause (5)** may be either written or verbal; the statement in **clauses (6)** must always be written as the evidence therein is that of thing.
- (v) The statement in **clause (6)** may be either written or verbal; the statement in **clause (5)** must always be written as the evidence therein is that of things.
- (vi) **Clause (5)** also refers to pedigree, but differs from **clause (6)**, in **clause (6)** the evidence is the declaration of the person deceased or otherwise unproducible, in **clause (5)** the evidence is that of things, such as genealogical trees, tomb–stone, etc.

Find out correct statements:

- (a) (i), (iii), (v)
  - (b) (ii), (iii), (v)
  - (c) (ii), (v), (vi)
  - (d) (i), (iii), (iv)
30. The Section 34 of the Evidence Act, is based upon the principle that entries made regularly in the course of business are sure to be accurate. In all such entries the writer has full knowledge, no motive to falsehood, and there is the strongest improbability of untruth. The section 34 of the Evidence Act, provides that the –
- (a) Entries in books of account regularly kept in the course of business are relevant and therefore admissible whenever they refer to a matter into which the court has to enquire; and such entries though admissible are alone sufficient to charge a person with liability.
  - (b) Entries in books of account regularly kept in the course of business are irrelevant and therefore, inadmissible whenever they refer to a matter into which the court has to enquire but such entries become admissible if corroborated by other evidence.
  - (c) Entries in books of account regularly kept in the course of business are relevant and therefore admissible whenever they refer to a matter into which the court has to enquire; and such entries are admissible are not alone sufficient to charge a person with liability unless corroborated by other evidence.
  - (d) Entries in book of account yearly kept in the course of business are relevant and therefore admissible whenever they refer to a matter into which the court has to enquire; and such entries though admissible are not alone sufficient to charge a person with liability unless corroborated by other evidence.
31. Section 36 of the Evidence Act, mentions two kinds of maps or charts – (1) maps or charts generally offered for public sale and (2) maps or plans made under the authority of Government.
- (a) The admissibility of the first kind of maps rests upon the ground that they contain the result of enquiries made under competent authority concerning matters in which the public are interested. The admissibility of the second class rests on the ground that, being made and published under the authority of Government, they must be taken to have been made by, and to be the result of, the study or inquiries of competent persons.
  - (b) The admissibility of the first class rests on the ground that being made and published under the authority of government; they must be taken to have been made by, and to be the result of, the study or inquiries of competent persons. The admissibility of the second kind of maps rests upon the ground that they contain the result of enquiries made under competent authority concerning matters in which the public are interested.

- (c) The admissibility of the first and second kinds of maps rest upon the ground that they contain the result of enquiries made under competent authority concerning matters in which the public are interested.
- (d) The admissibility of the first and second kinds of maps rests upon the ground that being made and published under the authority of government; they must be taken to have been made by, and to be the result of the study or inquiries of competent persons.

32. Select the correct statements –

- (i) Section 45 of the Evidence Act, is an exception to the rule as regards exclusion of opinion evidence.
- (ii) Both under sections 45 and 47 of the Evidence Act, the evidence are of an opinion, in the former by a scientific comparison and in the later on the basis of familiarity resulting from frequent observation and experience. In either case, the court must satisfy itself by such means as are open that the opinion may be acted upon.
- (iii) It is a general rule that the opinion of witnesses possessing peculiar skill is admissible, whenever the subject-matter of enquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment upon it without such assistance.
- (iv) A witness has to state the facts which he has seen, heard or perceived and the conclusion which he has formed on observing or perceiving them. (Section 60 of the Evidence Act).
- (v) A witness has to state the facts which he has seen, heard or perceived and not the conclusion which he has formed on observing or perceiving them. (Section 60 of the Act). The function of drawing an inference is a judicial function and must be performed by the court.
- (vi) The section 45 of the Evidence Act refers particular attainment, standard of study or experience, which would qualify a person to give evidence as an expert. Generally, a witness is considered as an expert if he is skilled in any particular art, trade or profession, and possessed of peculiar knowledge concerning the same.
- (vii) The court becomes *functus officio* because of an expert opinion.
- (viii) The purpose of expert opinion is primarily to assist the court in arriving at a final conclusion and therefore, such reports are conclusive one.
- (ix) The evidence of an expert should not be acted upon unless substantially corroborated.
- (x) Section 45 of the Evidence Act is an exception to the rule as regards the exclusion of opinion evidence. Opinions of experts are relevant upon a point of foreign law, science, art, identity of handwriting and finger impressions.
- (a) (i), (ii), (iii), (iv), (vi), (vii), (x)
- (b) (i), (ii), (iii), (v), (vii), (x)
- (c) (i), (iii), (iv), (vi), (vii), (viii), (ix), (x)
- (d) (i), (ii), (iii), (v), (x)

33. Under section 51 of the Evidence Act –

- (a) Whenever the opinion of any deceased person is relevant, the ground on which such opinion is based is also relevant.
- (b) Whenever the opinion of any living person is relevant, the ground on which such opinion is based is also relevant.
- (c) Whenever the opinion of any deceased or living person is relevant, the ground on which such opinion is based is also relevant.
- (d) Whenever the opinion of any living person is irrelevant, the ground on which such opinion is based may be relevant.

34. Under proviso to section 50 of the Evidence Act, opinion on relationship shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, 1869 or in prosecutions under sections –

- (a) 493, 494, 497, 498 of the IPC
- (b) 493, 494, 495, 497 of the IPC
- (c) 494, 495, 497, 498
- (d) 494, 495, 497, 498A

35. Match the following statements with the correct provisions of the Evidence Act –

The court shall take judicial notice of the following facts: -

- (i) The accession to office, names, title, functions and signatures of the persons filling for the time being any public officer in any state if the fact of their appointment to such office is notified in any official gazette. (A) Sec- 57(11)
- (ii) The division of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official gazette. (B) Sec-57(7)
- (iii) The commencement, continuance and termination of Hostilities between the Government of India and any other state or body of person. (C) Sec-57 (12)
- (iv) The names of the members and officers of the court of their Deputies & subordinate officers and assistants, and also of all the officers acting in execution of its process, and of all advocates, Attorneys, proctors, vakils, pleaders and other persons authorised by law or act before it. (D) Sec-57(9)

- (a) i-B, ii-D, iii-A, iv-C
- (b) i-A, ii-B, iii-C, iv-D
- (c) i-D, ii-C, iii-B, iv-A
- (d) i-D, ii-B, iii-C, iv-A

36. Under section 65B (2) of the Evidence Act, the very admissibility of an electronic record which is called a computer output, depends upon the satisfaction of the \_\_\_\_\_ conditions.

- (a) Four
- (b) Five
- (c) Six
- (d) Seven

37. Match the following statements with the correct headings –

- (i) An estoppel which arises where a person who by force of circumstances is under a duty to another to speak, refrains from doing so and thereby leads the other to believe in the existence of a state of facts in reliance upon which he acts to his prejudice. (A) Estoppel in pais.
- (ii) The estoppel resulting from the principle that the judgment of a court of record imports absolute verify and its truth cannot be questioned, either by showing otherwise than by the record itself that the court had no jurisdiction, or that its jurisdiction was fraudulently obtained. (B) Estoppel by Silence

- (iii) To constitute an estoppel by judgment, there must have been a right adjudicated or released in the action in which the judgment was rendered. (C) Estoppel by record
- (iv) An estoppel which arises from an act or declaration of a person intended or calculated to mislead another, on which that other has relied, and has so acted, or refrained from action, as that injury will befall him if the truth of the act or declaration be denied. (D) Estoppel by judgment
- (v) A term properly applicable only to a class of legal estoppel which are not strictly estoppel of record or by deed. Such estoppels were rare and enforced some technical rule of law against the truth, and also against the justice and equity of the particular case. (E) Estoppel by deed
- (vi) An estoppel which arises from the act of grantee accepting a deed from his grantor and which precludes him from denying the title of the grantor. (F) Estoppel by Conduct
- (a) (i)-B, (ii)-C, (iii)-D, (iv)-F, (v)-A, (vi)-E  
 (b) (i)-A, (ii)-B, (iii)-C, (iv)-D, (v)-E, (vi)-F  
 (c) (i)-B, (ii)-D, (iii)-C, (iv)-F, (v)-E, (vi)-A  
 (d) (i)-B, (ii)-A, (iii)-D, (iv)-F, (v)-C, (vi)-E
38. **Assertion (A):** Even for a child immediately after marriage, presumption of legitimacy under section 112 of the Evidence Act would apply.  
**Reason (R):** The legislature which extended the period of operation of the presumption by 280 days after dissolution of marriage did not chose to exclude any minimum initial period of matrimony for the application of the presumption.  
Find out the correct response:  
 (a) Both (A) and (R) are true and (R) is correct explanation of (A).  
 (b) Both (A) and (R) are true but (R) is not correct explanation of (A).  
 (c) (A) is true but (R) is false.  
 (d) (A) is false but (R) is true.
39. Section 91 of the Evidence Act -  
 (a) Permit admission of oral evidence to prove contents of a document where the writing is a fact in issue.  
 (b) Prohibits admission of oral evidence to prove the contents of a document where the writing is a fact in issue  
 (c) Prohibits admission of oral evidence to prove the contents of a document where the writing is not a fact in issue and is merely a collateral memorandum.  
 (d) Both (b) and (c)
40. The electronics records can be proved by –  
 (a) Producing the computer and generating the stored data.  
 (b) Producing a hard copy with a prescribed certificate.  
 (c) Oral statement of the person who was in charge of the computer when data was stored.  
 (d) All the above
41. Admission cannot –  
 (a) be oral  
 (b) amount to confession  
 (c) relate to law  
 (d) be explained

42. Fact does not include the –
- (a) motive
  - (b) relation of thing
  - (c) state of things
  - (d) mental condition of a person
43. The decision of a probate court is a –
- (a) Conclusive proof
  - (b) Judgment in rem
  - (c) Judgment in personam
  - (d) Foreign judgment
44. 'A', a client says to 'B' an advocate – "I have committed forgery and i wish you to defend me". His communication is -
- (a) Not protected from disclosure because of section 125 of Evidence Act.
  - (b) Not protected from disclosure because of section 126 of Evidence Act.
  - (c) Protected from disclosure because of section 126 of Evidence Act.
  - (d) Protected from disclosure because of proviso to section 126 of the Evidence Act.
45. In a suit for partition, a memorandum of family settlement is filed and on this basis the partition suit is decreed, but even after disposal of the suit the original memorandum of family settlement remains in the file of the partition suit, then in such situation whether in a suit for eviction by one of the original co-owner of a tenant of a shop of the joint property which has fallen to the share of that co-owner as per the decree passed on the memorandum of family settlement, can the certified copy of the memorandum of family settlement be filed and proved as a public document in the suit against the tenant?
- (a) No, it cannot be because the original memorandum of family settlement document which exists in the suit for partition which is disposed of, is a private document and not public document under section 74 of the Evidence Act.
  - (b) Yes, if a certified copy is obtained of the memorandum of family settlement, and filed in the suit against the tenant, as the certified copy being issued by a court, is a public document.
  - (c) Yes, certified copy obtained from a court of the memorandum of family settlement will be a public document provided that the suit was filed and disposed of by a High Court and not the District Court.
  - (d) Yes, provided the certified copy of the memorandum of family settlement is sought to be proved by the executants of the memorandum of settlement.
46. A power of attorney is presumed to be correct, if –
- (a) It is attested by the oath commissioner.
  - (b) It is executed before and authenticated by a Notary Public.
  - (c) It is attested by two witnesses.
  - (d) It is registered.
47. A 'Will' can be proved by at least one attesting witness being examined. Therefore, where both the attesting witnesses have died, the 'Will' cannot be proved. Whether this above statement is correct?
- (a) Yes.
  - (b) Yes, because this is the only way to prove the 'Will' and after the death of witnesses 'Will' cannot be proved.
  - (c) No, it is not necessary to produce attesting witnesses when the 'Will' is registered.
  - (d) No, the signature of the attesting witnesses and the executants can be identified by the person acquainted with signatures of the attesting witnesses and the executants.

48. Under the Indian Evidence Act, the facts which are not otherwise relevant, are relevant –
- I. If they are consistent with any fact-in-issue or relevant fact.
  - II. If they are inconsistent with any fact-in-issue or relevant fact.
  - III. If they make the existence or non-existence of any fact-in-issue or relevant fact highly probable or improbable.

Choose correct answer using the code given below –

- (a) I, II, III
  - (b) II only
  - (c) I and II only
  - (d) II and III only
49. A confession made to a police officer in the immediate presence of a Magistrate is \_\_\_\_\_
- (a) Inadmissible.
  - (b) Relevant.
  - (c) Admissible, if corroborated by the Magistrate.
  - (d) Admissible, if corroborated by other evidence.
50. In which of the following situations, the previous Judgment is relevant.
- I. 'A' prosecutes 'B' for adultery with 'C', A's wife. 'B' denies that 'C' is A's wife but the court convicts 'B' for adultery. Afterwards, 'C' is prosecuted for bigamy in marrying 'B' during A's lifetime. 'C' says that she never was A's wife. Whether the judgment against 'B' is relevant as against 'C'.
  - II. 'A' prosecutes 'B' for stealing a cow from him. 'B' is convicted. 'A', afterwards, sues 'C' for cow, which 'B' had sold to him before his conviction. As between 'A' and 'C' whether the judgment against 'B' is relevant?

Choose the Correct answer using the following Code –

- (a) I only
  - (b) II only
  - (c) Both I and II
  - (d) Neither I nor II
51. Under section 166 of the Indian Evidence Act –
- (a) A juror or assessor may put any question to any party, through or by leave of the judge, which the judge might put and which he considers proper.
  - (b) A juror or assessor may put any question to a witness, through or by leave of the judge, which the judge might put and which he considers proper.
  - (c) A juror or assessor may put any question to any party or to a witness, through or by leave of the judge, which the judge might put and which he considers proper.
  - (d) A juror or assessor may put any question to any party or to a witness, which the judge might put and which he considers proper.
52. Under section 164 of the Evidence Act, if a party refuses to produce a document after notice, he cannot use it as evidence -
- (a) Without the consent of the other party only.
  - (b) Without the consent of the court only.
  - (c) Without the consent of the other party, or the order of the court.
  - (d) Consent of the party is immaterial rather with the order of the court only.
53. The judge may, in order to ascertain relevant facts, ask any question (a) at any time, (b) from any witness or parties, (c) about relevant or irrelevant facts. The judge, however, cannot –
- (a) Ask any question as to credit which it would be improper for any other person to ask under section 146 or 147 of the Evidence Act.



- (b) Ask any question as to credit which it would be improper for any other person to ask under section 146A or 147 of the Evidence Act.
  - (c) Ask any question as to credit which it would be improper for any other person to ask under section 147 or 148 of the Evidence Act.
  - (d) Ask any question as to credit which it would be improper for any other person to ask under section 148 or 149 of the Evidence Act.
54. Notice to produce a document is necessary, except in \_\_\_\_\_ cases provided in section 66 of the Evidence Act, in order to make a secondary evidence of its contents admissible.
- (a) Four
  - (b) Five
  - (c) Six
  - (d) Seven
55. A witness may refresh his memory by referring to any writing made by himself –
- (a) At the time of the transaction concerning which he is questioned.
  - (b) Before the transaction concerning which he is questioned.
  - (c) Before the transaction concerning which he is questioned, or at the time of the transaction concerning which he is questioned.
  - (d) At the time of the transaction concerning which he is questioned, or so soon afterwards that the transaction was fresh in his memory.
56. When a witness answers any question which is relevant in so far it shakes his credit –
- (a) Evidence can be given to corroborate him.
  - (b) Evidence can be given to contradict him.
  - (c) Evidence can be given to contradict him and if he answers falsely, he may be charged with for giving false evidence.
  - (d) Evidence cannot be given so as to contradict him but if he answers falsely, he may be charged with for giving false evidence.
57. Under section 148 of the Evidence Act, such questions are proper if the imputation conveyed by them would seriously affect the —
- (a) Opinion of the party as to the credibility of the witness.
  - (b) Opinion of the court as to the credibility of the parties.
  - (c) Opinion of the court as to the credibility of the parties and their witnesses.
  - (d) Opinion of the court as to the credibility of the witness.
58. Under section 130 of the Evidence Act, a witness who is not a party to a suit -
- (a) Cannot be compelled to produce his title deed or any documents which might tend to criminate him unless the court orders him to produce the same.
  - (b) Cannot be compelled to produce his title deed or any documents which might tend to criminate him unless he has agreed orally to produce the same.
  - (c) Cannot be compelled to produce his title deed or any documents which might tend to criminate him unless he has agreed in writing to produce the same.
  - (d) Cannot be compelled to produce his title deed or any documents which might tend to criminate him unless the court orders him to produce, or he has agreed in writing to produce the same.
59. A Judge or Magistrate cannot, except on the special order of court to which he is subordinate, be compelled to answer any question –
- (a) As to the conduct of any party
  - (b) As to the conduct of any witness
  - (c) As to his own conduct
  - (d) All the above

60. When one person has, by his \_\_\_\_\_, \_\_\_\_\_ or \_\_\_\_\_, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representatives shall be allowed, in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.
- representation, act or omission
  - declaration, act or conduct
  - representation, act or conduct
  - declaration, act or omission
61. Under section 74 of the Evidence Act, the following are the documents forming the acts or records of the acts –
- Of the sovereign authority,
  - Of official or non-official bodies and tribunals,
  - Of public officers, legislative, Judicial and executive of any part of India or of the commonwealth, or of a foreign country.
- (i), (ii), (iii)
  - (i), (iii)
  - (i), (ii)
  - (iii), (ii)
62. Match the following statements with the correct provision of the Evidence Act –
- As to a certified copy of any judicial record of a foreign country, certified by a representative of Her Majesty or of the Central govt., the court may presume that it is genuine and accurate. (A) Section 88
  - As to a document called for and not produced after notice to produce, the court shall presume that it was duly attested, stamped and executed. (B) Section 86
  - As to any book to which the court may refer on a matter of public or general interest and any published chart or map produced for its inspection, the court may presume that it was written and published by the persons, and at the time and place, by whom or at which it purports to have been written or published. (C) Section 89
  - As to a message forwarded from a telegraph office, the court may presume that it corresponds with the message for transmission at the office from which it purports to be sent. (D) Section 87
- I-B, II-C, III-D, IV-A
  - I-B, II-D, III-C, IV-A
  - I-A, II-B, III-C, IV-D
  - I-D, II-C, III-B, IV-A
63. Secondary evidence may be given of the existences, condition or contents of a document in the following cases. When the document is in the possession of –
- The person by whom it is to be proved,
  - Any person out of the reach of, or not subject to, the process of the court,
  - Any person who is legally bound to produce it but does not produce it after notice to produce the same.
- (i) only
  - (ii) only
  - (ii), (iii) only
  - Either (i), (ii), (iii)

64. A final judgment of a court exercising \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ jurisdiction which–
- (i) Confers upon or takes away from any person any legal character, or
  - (ii) Declares any person to be entitled to (a) any such character, or (b) any specific things absolutely, is relevant when (a) the existence of any such legal character, or (b) the title of any such person to anything, is relevant. Such judgments are known as judgment in rem.
- (a) (1) Probate (2) Matrimonial (3) Tribunal (4) Insolvency
  - (b) (1) Probate (2) Matrimonial (3) Tribunal (4) Solvency
  - (c) (1) Probate (2) Matrimonial (3) Admiralty (4) Insolvency
  - (d) (1) Probate (2) Matrimonial (3) Admiralty (4) Solvency
65. Select the right statement –
- (a) Nothing in section 154 of the Evidence Act, may disentitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness.
  - (b) Notwithstanding in section 154 of the Evidence Act, shall disentitle the person so permitted under sub-section(1), to rely on any part of the evidence of such witness.
  - (c) Nothing in section 154 of the Evidence Act, shall disentitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness.
  - (d) Notwithstanding in section 154 of the Evidence Act, may disentitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness.
66. Clause (2) of section 154 of the Evidence Act was inserted by the –
- (a) Act 1 of 2006
  - (b) Act 2 of 2006
  - (c) Act 3 of 2006
  - (d) Act 6 of 2006
67. Leading questions cannot ordinarily be asked in examination-in-chief or in re-examination. What is/are the reason/reasons for excluding leading questions –
- (a) It would enable a party to prepare his story and evolve it in his very words from the mouth of his witnesses in court.
  - (b) It would tend to diminish chances of detection of a concocted story.
  - (c) If a witness is allowed to give his narrative in his own words, he is likely, if the story is made up, to leave some loopholes, to which the cross-examiner will scarcely fail to direct his attack.
  - (d) All the above
68. Section 144 of the Indian Evidence Act, is meant to enable parties to carry out the provisions of section 91 and 92 of the Evidence Act. Section 144 of the Act to be read along with these sections. It refers to -
- (a) The examination-in-chief only
  - (b) The cross-examination only
  - (c) Both to the examination-in-chief and to the cross-examination.
  - (d) Not to the examination-in-chief rather to the cross-examination only.
69. As per the explanation to section 144 of the Evidence Act, -
- (a) A witness may give oral evidence of statement made by other persons about the contents of documents if such statements are in themselves relevant facts.
  - (b) A witness shall not give oral evidence of statement made by other persons about the contents of documents if such statements are in themselves relevant facts.
  - (c) A witness may give oral evidence of statement made by other persons about the contents of documents if such statements are in themselves fact-in-issue.
  - (d) A witness shall not give oral evidence of statement made by other persons about the contents of documents if such statements are in themselves fact-in-issue.

70. Select the correct statements –

- (i) The object of section 145 of the Evidence Act is either to test the memory of a witness or to contradict him by previous statement in writing.
  - (ii) Such writing may be documents, letters, depositions, police diaries, etc.
  - (iii) The previous record should be in writing.
  - (iv) The witness may not be contradicted by his previous verbal statements.
  - (v) The witness may also be contradicted by his previous verbal statements.
  - (vi) The expression 'previous statements made' used in section 145 of the Evidence Act, cannot be extended to include statements made by a witness, after the filing of the charge-sheet. The expression must, therefore, be confined to statements made by a witness before the police during investigation and not thereafter.
- (a) (i), (ii), (iii), (iv), (vi)
  - (b) (i), (ii), (iii), (iv)
  - (c) (i), (ii), (iii), (v)
  - (d) (i), (ii), (iii), (v), (vi)

71. Select the correct statements –

- (i) Under the Indian Evidence Act, no particular number of witnesses is required in any case.
- (ii) Neither the number of witnesses, nor the quantity of evidence is material.
- (iii) It is the quality that matters and not the quantity.
- (iv) Under criminal law, the nature of the crime is heinous and therefore, both quality and quantity matters.
- (v) In the matter of appreciation of evidence of witnesses, it is not the number of witnesses but quality of their evidence which is important, as there is no requirement in law of evidence that any particular number of witnesses is to be examined to prove or disprove a fact.
- (vi) In the matter of appreciation of evidence of witnesses, it is both the quality and quantity which is important because the prosecution has to prove its case beyond reasonable doubts and its burden never shifts. Therefore, it is both quality and quantity which is relevant.
- (vii) It is time-honoured principle that evidence must be weighed and counted as well.
- (viii) The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise. The legal system has laid emphasis on value provided by each witness including the multiplicity or plurality of witnesses. It is the quality and quantity which determines the adequacy of evidence as has been provided by the Indian Evidence Act.
- (ix) The test, is whether the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise. The legal system has laid emphasis on value provided by each witness, rather than the multiplicity or plurality of witnesses. It is the quality and not quantity, which determines the adequacy of evidence as has been provided in the Evidence Act.
- (x) Section 135 of the Evidence Act declares that it is the quality and not the quantity, which determines the adequacy of evidence.

Select the correct statements:

- (a) (i), (ii), (iii), (iv), (vi), (vii), (ix)
- (b) (i), (ii), (iii), (v), (vii), (viii)
- (c) (iv), (vi), (vii), (viii), (x)
- (d) (i), (ii), (iii), (v), (ix)

72. Find out the correct statements:-

- (i) Section 8 of the Indian Evidence Act, 1872 declares that motive, inter alia, is a relevant fact for which evidence may be adduced. Motive is that state of mind which compels one person to do a particular act. For every voluntarily act, there is usually an impelling motive behind.
  - (ii) Since Motive is physical fact, it can be fathomed by the conduct of the person. The facts of previous threats, altercation, litigation etc. manifest motive.
  - (iii) Proof of motive only adds weight and value to evidence of prosecution.
  - (iv) If motive is proved, it will be a contradictive piece of evidence. But if the prosecution is not able to prove motive, it will not be a ground to throw away the prosecution case or corrode its credibility.
  - (v) As per explanation 1 to section 8 of the Evidence Act, the conduct of a party interested in any proceeding at the time when the facts occurred out of which the proceedings arises is extremely relevant. Therefore, the word 'conduct' includes statements even if does not accompany and explain the acts.
  - (vi) Motive is not a necessary element in deciding culpability but is an equally important missing link which can be used to corroborate the evidence.
- (a) (i), (ii), (iii), (v), (vi)
  - (b) (i), (ii), (iii), (iv), (v), (vi)
  - (c) (i), (ii), (iii), (vi)
  - (d) (i), (iii), (vi)

73. Select the correct statements –

- (i) The word 'proof' seems properly to mean anything which serves, either immediately or mediately, to convince the mind of the truth or falsehood of a fact or proposition; and the proofs of matters of fact in general are our senses, the testimony of witnesses, documents, and the like.
  - (ii) Proof does not mean proof to rigid mathematical demonstration, because that is impossible; it must mean such evidence as would induce or reasonable man to come to the conclusion.
  - (iii) Proof beyond reasonable doubt does not mean perfect proof, which may sound artificial.
  - (iv) The definition of 'proof' centres round probability.
  - (v) The preponderance of probability and normal human behaviour is to be kept in mind drawing reasonable inference from other facts established by evidence. Such inference cannot be termed as surmises and conjectures.
  - (vi) Proof of a fact depends upon the degree of probability of its having existed. The standard required for reaching the supposition is that of a prudent man acting in any important matter concerning him.
- (a) (i), (ii), (v), (vi)
  - (b) (ii), (iii), (vi)
  - (c) (i), (ii), (iii), (iv), (v), (vi)
  - (d) (i), (ii), (iv), (v), (vi) are correct and (iii) is wrong

74. In case of Appreciation of Evidence –

- (i) The court has to decide on the basis of the evidence adduced before it by the parties whether the guilt of the accused is made out beyond a reasonable doubt and in civil case, on the balance of probabilities the plaintiff has made out a case for relief.
- (ii) For a proof to be beyond reasonable doubt, the standard of reasonable man must be adopted. Every piece of evidence has to be subjected to the test of objectivity.

- (iii) For a Proof to be beyond reasonable doubt, the standard of reasonable man must be adopted. Every piece of evidence has to be subjected to the test of subjectivity.
- (iv) The prosecution case has to rest on its own strength and also on an explanation by the accused person or his inability to raise any plausible defence.

Select the wrong statements:-

- (a) (i), (ii), (iv)
- (b) (i), (iii), (iv)
- (c) (ii), (iv)
- (d) (iii), (iv)

75. Select correct statements: –

- (i) A confession is a statement made by a co-accused person which is sought to be proved against him in criminal proceedings to establish the commission of an offence by him.
  - (ii) While an admission usually relates to a civil transaction and comprises all statements amounting to admissions.
  - (iii) A confession if deliberately and voluntarily made may be accepted as conclusive in itself of the matters confessed; an admission is not a conclusive proof of the matters admitted, but may operate as an estoppel.
  - (iv) A confession always goes against the person making it.
  - (v) An admission may be used on behalf of the person making it under the “Explanations” provided in section 21 of the Evidence Act.
  - (vi) The confession of one of two or more accused jointly tried for the same offence can be taken into consideration against the co-accused.
  - (vii) An admission by one of several defendants in a suit is evidence against another defendant.
- (a) (i), (ii), (iii), (iv), (vii)
  - (b) (i), (ii), (iii), (iv), (v), (vi)
  - (c) (i), (ii), (iii), (iv), (vi)
  - (d) (ii), (iii), (iv), (vi)

76. The section related to the opinion of examiner of electronic evidence was inserted by the –

- (a) Act 10 of 2009
- (b) Act 21 of 2000
- (c) Act 10 of 2006
- (d) Act 10 of 2003

77. Which one of the following below given sections is based upon the maxim “*fa/la demonstratio non necet*” –

- (a) Section 100 of the Evidence Act
- (b) Section 136 of the Evidence Act
- (c) Section 97 of the Evidence Act
- (d) Section 68 of the Evidence Act

78. Select the correct statements –

- (i) Section 6 of the Evidence Act, is an exception to the general rule where under the hearsay evidence becomes admissible. But for brining such hearsay evidence within the provisions of section 6, what is not required to be established is that it must be almost contemporaneous with the acts.
- (ii) There should not be an interval which would allow fabrication.
- (iii) The statements sought to be admitted, therefore, as forming part of res gestae, must have been made contemporaneously with the acts or immediately thereafter.

- (iv) Rule of res gestae is exception to rule of evidence, test is that the statement should be spontaneous and should form part of the same transaction ruling out any possibility of concoction.
- (v) The question is, whether certain goods ordered from 'B' were delivered to 'A'. The goods were delivered to several intermediate persons successively. Each deliver is irrelevant fact.
- (vi) 'A' sues 'B' for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, provided they do contain the libel itself.
  - (a) (ii), (iii), (iv), (v), (vi)
  - (b) (ii), (iii), (iv)
  - (c) (ii), (iii), (iv), (vi)
  - (d) (i), (ii), (iii), (iv), (v), (vi)

79. Choose the correct statements with respect to 'motive' –

- (i) Mere existence of motive by itself is not an incriminating circumstance and it cannot give rise to an inference of guilt nor it form the basis for conviction but if motive for the crime is adequate, can by itself sustain a criminal charge.
- (ii) Even if the evidence against the accused is clear and clinching, failure on the part of the prosecution to establish motive is of no consequence because it is well-settled that motive does not have a major role to play in cases based on eye-witness account of the incident, it assumes importance in cases that rest entirely on circumstantial evidence.
- (iii) It is settled legal position that even if motive is absent, it is of no consequence and pales into insignificance when direct evidence establishes the crime. Therefore, in case there is direct trustworthy evidence of witnesses as to the commission of an offence, the motive part loses its significance. If the genesis of the motive of the occurrence cannot be discarded only on the ground of absence of motive, if otherwise the evidence is worthy of reliance.
- (iv) Motive no doubt assumes importance in a case resting on circumstantial evidence but the absence of motive is fatal even if the circumstantial evidence is established with cogent evidence.
- (v) The absence of motive is not fatal if the circumstantial evidence is established with cogent evidence.
- (vi) It cannot be doubted for a pause that motive is an important factors which prompts a person to commit the crime. The motive has to be established beyond doubt and only then evidence either visual or circumstantial would supplement the motive for the commission of the crime.
  - (a) (i), (ii), (iii), (iv), (v), (vi)
  - (b) (ii), (iii), (iv), (v), (vi)
  - (c) (ii), (iii), (v), (vi)
  - (d) (i), (iii), (iv), (v), (vi)

80. Select the correct statements with respect to the "test identification parade" –

- (i) If there is delay in holding TIP of accused persons, then that mere delay would also be regarded a factor as to invalidate the said TIP.
- (ii) Under the schemes of Code of Criminal Procedure and Evidence Act, there are provisions which create a right in favour of the accused to claim TIP.
- (iii) The evidence of identification is substantive piece evidence and such tests are for the purpose of helping the investigating agency and also to be used in corroboration of the statement in the court.

- (iv) The idea of holding TIP under section 9 of the Evidence Act is to test the veracity of the 'accused' on the question of his capability of identify 'victim' whom the 'accused' may have seen only once. If no TIP is held then it will be wholly unsafe to rely on his testimony regarding the identification of 'victim' for the first time in the court.
  - (v) The question of holding an identification parade would arise only in event of witness claiming to be a position to identify a person whom he/she had not seen before the incident.
  - (vi) It is well settled that the evidence of identification can only be relied upon if all the chances of the suspects being shown to the witnesses prior their test identification are eliminated.
  - (vii) The whole object behind the TIP is really to find whether or not the suspect is the real offender. The evidence of identification in parade on its own and independently is of a very weak character rather no evidence and has only contradicting value to the evidence in court.
  - (a) (i), (ii), (iv), (v), (vii)
  - (b) (ii), (iii), (iv), (vi), (vii)
  - (c) (v), (vi)
  - (d) (iv), (v), (vi), (vii)
81. Find out the correct statement with respect to the "Preamble" given in the Evidence Act –
- (a) Whereas it is expedient to consolidate and amend the law of Evidence
  - (b) Whereas it is expedient to define and amend the law of Evidence
  - (c) Whereas it is expedient to consolidate, define or amend the law of Evidence
  - (d) Whereas it is expedient to consolidate, define and amend the law of Evidence
82. Find out the correct statement with respect to section 12 of the Evidence Act -
- (a) In suits in which damages are claimed, any fact which will enable the court to determine the amount of damages which may be awarded, is relevant.
  - (b) In suits in which damages are claimed, any fact which will enable the court to determine the amount of damages which ought to be awarded, is relevant.
  - (c) In suits in which damages are claimed, any fact which will enable the court to determine the amount of damages which should be awarded, is relevant.
  - (d) In suits in which damages are claimed, any fact which will enable the court to determine the amount of damages which would be awarded, is relevant.
83. When there is a question whether an act was accidental or intentional, [or done with a particular knowledge or intention,] the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant. The words "**or done with a particular knowledge or intention**" was not originally given in the section rather was inserted by the -
- (a) Act 1 of 1890
  - (b) Act 2 of 1891
  - (c) Act 3 of 1891
  - (d) Act 4 of 1890
84. The Indian Evidence Act, came into force on -
- (a) 1.9.1872
  - (b) 9.1.1872
  - (c) 1.9.1827
  - (d) 9.1.1827
85. The presumption as to the 'electronic records' and 'electronic Signature' is given under –
- (a) Section 85 of the Evidence Act
  - (b) Section 85 A of the Evidence Act



- (c) Section 85 B of the Evidence Act
  - (d) Section 85 C of the Evidence Act
86. In any proceeding, involving secure electronic signature, the court shall presume unless the contrary is proved that –
- (a) The secure electronic signature is affixed by subscriber with the knowledge of signing or approving the electronic record.
  - (b) The secure electronic signature is affixed by subscriber with the intention of signing or approving the electronic record.
  - (c) The secure electronic signature is affixed by subscriber either with the knowledge or intention signing or approving the electronic record.
  - (d) The secure electronic signature is affixed by subscribed both with the knowledge and intention signing or approving the electronic record.
87. The 'Explanation' to section 90 of the Evidence Act, also applies to –
- (a) Section 80 of the Evidence Act
  - (b) Section 81 of the Evidence Act
  - (c) Section 82 of the Evidence Act
  - (d) Section 83 of the Evidence Act
88. The word 'Offence' used in Explanation to section 30 of the Evidence Act –
- (a) Includes the abetment of an offence but not an attempt to commit an offence.
  - (b) Includes the attempt to commit an offence but not the abetment of an offence.
  - (c) Neither includes the abetment nor attempt to commit the offence.
  - (d) Includes both the abetment of, and attempt to commit the offence.
89. By what act, clause (4) to section 155 of the Evidence Act i.e. **'when a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character'** was omitted?
- (a) Act 4 of 2003
  - (b) Act 2 of 2006
  - (c) Act 13 of 2013
  - (d) Act 21 of 2000
90. Under proviso to section 146 of the Evidence Act, it is provided that in a prosecution for an offence under sections \_\_\_\_\_ of the Indian Penal Code, 1860 or for attempt to commit any such offence, where the question of consent is an issue, it shall not be permissible to adduce evidence or to put questions in the cross-examination of the victim as to the general immoral character, or previous sexual experience, of such victim with any person for proving such consent or the quality of consent.
- (a) 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E.
  - (b) 354, 354A, 354B, 354C, 354D, 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E,
  - (c) 354, 354A, 354B, 354C, 354D, 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E, 509.
  - (d) 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E and 509.
91. Section \_\_\_\_\_ of the Indian Evidence Act, is in the nature of a safeguard to the mandatory provisions of section 68 of the Evidence Act, to meet a situation where it is not possible to prove the execution of the will by calling attesting witnesses, though alive. Aid of section \_\_\_\_\_ can be taken only when the attesting witnesses, who have been called, deny or fail to recollect the execution of the document to prove it by other evidence.
- (a) Section 68 A of the Evidence Act
  - (b) Section 69 of the Evidence Act

- (c) Section 70 of the Evidence Act
  - (d) Section 71 of the Evidence Act
92. Find out the correct answer -
- (a) Facts showing the existence of any state of mind, such as intention, knowledge, reason to believe, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.
  - (b) Facts showing the existence of any state of mind, such as intention, knowledge, good faith, bad faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.
  - (c) Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.
  - (d) Facts showing the existence of any state of mind, such as intention, knowledge, good faith, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.
93. Which one of the following illustration has presumption of an application of the general maxim "*Omnia Proesumuntur rite esse acta*".
- (a) Section 114, illustration (d) of the Evidence Act
  - (b) Section 114, illustration (e) of the Evidence Act
  - (c) Section 114, illustration (f) of the Evidence Act
  - (d) Section 114, illustration (g) of the Evidence Act
94. The word 'course of business' used under section 16 of the Evidence Act, means ordinary course of a professional avocation or mercantile transaction or trade or business. The section covers –
- (a) Private office only
  - (b) Public office only
  - (c) Both Private and Public office
  - (d) Neither Public office nor Private office
95. Section 19 of the Evidence Act, forms an exception to the rule that statements made by strangers to a proceeding are not admissible as against the parties. The statement referred to in section 19 of the Act, becomes admissible only if they satisfy the requirements of section \_\_\_\_\_ as regards their nature and section \_\_\_\_\_ as regards their liability.
- (a) Section 17 and Section 21 of the Evidence Act
  - (b) Section 18 and Section 21 of the Evidence Act
  - (c) Section 16 and Section 15 of the Evidence Act
  - (d) Section 20 and Section 21 of the Evidence Act
96. The purpose of \_\_\_\_\_ is to provide for the circumstances in which an oral admission could be proved as to the contents of an electronic record.
- (a) Section 22 A of the Evidence Act
  - (b) Section 59 of the Evidence Act
  - (c) Section 65 A of the Evidence Act

(d) Section 65 B of the Evidence Act

97. The following legal principles governing a dying declaration are that :-

- (i) It can be the sole basis of conviction if it inspires the full confidence of the court.
- (ii) The court should be satisfied that the deceased was in a fit state of mind at the time of making the statement and that it was not the result of tutoring, prompting or imagination.
- (iii) Where the court is satisfied that the declaration is untrue and involuntarily, it can still base its conviction without any further corroboration.
- (iv) Where the dying declaration is suspicious, it should be acted upon without corroboration.
- (v) It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence.
- (vi) If a dying declaration suffers from infirmity such as the deceased was unconscious and could never make any statement, cannot form the basis of conviction.
- (vii) If a dying declaration does not contain all the details as to the occurrence, it is not to be rejected.
- (viii) If it is a brief statement, it is to be discarded.
- (ix) When the eyewitness affirms that the deceased was not in a fit and conscious state to make the dying declaration, medical opinion cannot prevail.
- (x) If after careful scrutiny, the court is satisfied that it is true and free from any effort to induce the deceased to make a false statement and if it is coherent and consistent, there shall be no legal impediment to make it the basis of conviction, even if there is no corroboration.

Select the correct statements:-

- (a) (i), (ii), (iii), (iv), (v), (vi), (ix), (x)
  - (b) (i), (ii), (v), (vi), (vii), (viii), (ix), (x)
  - (c) (i), (ii), (iii), (v), (vi), (viii), (ix), (x)
  - (d) (i), (ii), (v), (vi), (ix), (x)
98. Which section bars the leading of evidence of character of the victim or her previous sexual experience with any person on the issue of consent given by the victim or the quality of consent?
- (a) Section 53 of the Evidence Act
  - (b) Section 53 A of the Evidence Act
  - (c) Section 146 of the Evidence Act
  - (d) Section 148 of the Evidence Act
99. To attract the prohibition enacted in section 24 of the Evidence Act, what are the following facts that must be established –
- (i) The statement in question is a confession.
  - (ii) Such confession has been made by an accused person.
  - (iii) The confession has been obtained by reason of any inducement, threat or promise from person in authority.
  - (iv) The confession has been obtained by reason of any inducement, threat or promise from any person and not necessarily from the person in authority.
  - (v) Such inducement, threat or promise must have reference to the charge against the accused person.
  - (vi) Inducement, threat or promise must in the opinion of prosecution be sufficient to give the accused persons ground, which would appear to him reasonable, for

supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Find out the correct statements:-

- (a) (i), (ii), (iii), (v)
  - (b) (i), (ii), (iii), (v), (vi)
  - (c) (i), (ii), (iii), (iv), (v)
  - (d) (i), (ii), (iii), (iv), (v), (vi)
100. "A person of the position, grit and intelligence of accused could not be so coerced. A person making a confession may be guided by any considerations which, according to him, would benefit him. Accused must have made the statement after weighting the consequences which he thought would be beneficial to him" was held in –
- (a) R.K. Dalmia vs. Delhi Administration AIR 1962 SC 1821.
  - (b) Pangambam Kalanjoy Singh vs. State of Manipur AIR 1956 SC 9
  - (c) Balbir Singh vs. State of Punjab AIR 1957 SC 216.
  - (d) Chandrakant Chaimanlal Desai vs. State of Gujarat (1992) 1 SCC 473.
101. The distinction between section 25, 26 and 27 of the Evidence Act –
- (i) Section 27 of the Evidence Act, is founded on the principle that even though the evidence relating to confessional or other statements made by a person whilst he is in the custody of a police officer, is tainted and therefore inadmissible, if the truth of the information given by him is assured by the discovery of a fact, it may be presumed to be untainted and is therefore declared provable in so far as it distinctly relates to the fact thereby discovered.
  - (ii) Even though section 27 of the Evidence Act, is in form of a proviso to section 26 of the Act, the two sections do not necessarily deal with evidence of the same character.
  - (iii) Section 27 of the Evidence Act, is in the form of a proviso to section 26 of the Act, the two sections necessarily deal with evidence of the same character.
  - (iv) The ban imposed by section 25 of the Evidence Act, is against the proof of confessional statements.
  - (v) Section 27 of the Act, is concerned with the proof of information whether it amounts to a confession or not, which leads to discovery in consequence of information received, only that much of the information is admissible as distinctly relates to the fact discovered.
  - (vi) By section 26 of the Evidence Act, a confession made in the presence of a Magistrate is made provable in its entirety.
  - (vii) By section 26 of the Evidence Act, a confession made in the presence of a Magistrate is made not provable in its entirety.

Select the right statements:-

- (a) (i), (ii), (iv), (v), (vi)
  - (b) (i), (iii), (iv), (v), (vi)
  - (c) (i), (ii), (iv), (v), (vii)
  - (d) (i), (ii), (iii), (iv), (v), (vii)
102. Choose the correct statements:-
- (i) The recovery pursuant to the disclosure statement made by the accused under section 27 of the Evidence Act is admissible in evidence. The court must regard the inadmissible part of the statement and take note only that part of his evidence, which

distinctly relates to the discovery of the articles pursuant to the disclosure statement made by the accused.

- (ii) The discovery of fact includes the discovery of an object found, the place from which it is produced and the knowledge of the accused as to his existence.
- (iii) The recovery made under section 27 of the Evidence Act, not only acts as foundation stone for proceeding with investigation, but also completes chain of circumstances.
- (iv) Where recovery and seizure of articles was made in pursuance of statement of accused, mere absence of attestation by the independent witness is a ground to discard the seizure evidence under section 27 of the Evidence Act.
- (v) The fact of which evidence is given sought to be given must be relevant to the issue. It must be borne in mind that the provision has nothing to do with question of relevancy. The relevancy of the fact discovered must be established according to the prescriptions relating to relevancy of other evidence connecting it with crime in order to make the fact discovered admissible.
- (vi) The fact must have been discovered. The discovery must have been in consequence of some information received from the accused and not by the accused's own act.
- (vii) The person giving information must be accused of any offence and no need to be in police custody.
- (viii) The discovery of fact in consequence of information received from an accused in custody must be deposed to. Thereupon, only that portion of the information which relates distinctly or strictly to the fact discovered can be proved. The rest is inadmissible.
- (ix) For the applicability of section 27 of the Evidence Act, two conditions are prerequisite (i) the information must be such as caused discovery of the fact. (ii) The information must relate distinctly to the fact discovered so much of such information, whether it amounts to a confession or relate distinctly thereby discovery may be proved. It is assumed that there should be a statement first and it would be followed by the discovery and if there was first discovery followed by the statement, such statement would inadmissible. It is also settled proposition of law that the statement of the accused must be volunteered and should not be given by threat with any pointed question.
- (x) 'Custody' is not equivalent to arrest. The word 'custody' in selection 27 of the Evidence Act does not necessarily mean detention or confinement.
- (xi) With regard to section 27 of the Evidence Act, what is important is discovery of the material object at the disclosure of the accused but such disclosure alone would not automatically lead to the conclusion that the offence was also committed by the accused.
- (xii) The discovery evidence, by itself, is subsidiary and cannot sustain a conviction but where there is plenty of other evidence to sustain the prosecution case, the discovery evidence could be treated as a valuable piece of corroborative evidence.
- (xiii) Under section 27 of the Evidence Act, only so much of the information as distinctly relates to the facts really thereby discovered in admissible. The word 'fact' means some concrete or material facts to which the information directly relates.
- (xiv) It cannot be said that section 27 of the Act, would be operable only after formal arrest under section 46(1) of the Code of Criminal Procedure, the expression 'accused of any offence' used in section 27 of the Evidence Act, are descriptive of person making statement.
  - (a) (i), (ii), (iii), (vi), (vii), (xii), (xiv)
  - (b) (i), (iii), (iv), (v), (vii), (viii), (xii), (xiii), (xiv)

- (c) (i), (ii), (iii), (v), (vi), (viii), (ix), (x), (xi), (xii), (xiii), (xiv)
  - (d) All statements are correct.
103. As per 'Explanation' to section 48 of the Evidence Act -
- (a) The expression 'general custom or right' includes custom or rights common to any considerable class of persons.
  - (b) The expression 'general custom or right' does not include custom or rights common to any considerable class of persons.
  - (c) The expression 'general custom or right' includes custom or rights common to particular class of persons.
  - (d) The expression 'general custom or right' neither includes customs, rights common of any considerable class of people nor particular considerable class of persons.
104. The 'facts which need not be proved' is given under chapter -
- (a) Three
  - (b) Four
  - (c) Five
  - (d) Six
105. When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest, then -
- (a) Any secondary evidence of the contents of document is admissible.
  - (b) The written admission is admissible.
  - (c) Certified copy of document is admissible.
  - (d) Either of the above.
106. Under what section, it is given that the proof of document not required by law to be attested?
- (a) Section 69 of the Evidence Act
  - (b) Section 70 of the Evidence Act
  - (c) Section 71 of the Evidence Act
  - (d) Section 72 of the Evidence Act
107. How many total illustrations are given under section 114 of the Evidence Act, where court may presume existence of certain facts -
- (a) Nine
  - (b) Ten
  - (c) Eleven
  - (d) Twelve
108. Under what section, the Presumption as to due execution etc. of document not produced, is given?
- (a) Section 87 of the Evidence Act
  - (b) Section 88 of the Evidence Act
  - (c) Section 89 of the Evidence Act
  - (d) Section 89 A of the Evidence Act
109. Ram, an accused wants to submit carbon copy of the suicide note as secondary evidence. The original is with the opposite party and he has failed to produce the same. The suicide was not within the knowledge of the accused prior to the receipt of the carbon copy. Which of the following statements will hold true for the case?
- (a) The evidence cannot be admitted due to applicability of section 30 of the Indian Evidence Act, 1872.
  - (b) The evidence cannot be admitted because it fails to satisfy the requirement of section 64 of the Indian Evidence Act, 1872.

- (c) The evidence cannot be admitted because it fails to satisfy the requirement of section 65 of the Indian Evidence Act, 1872.
- (d) The evidence can be admitted as it satisfies the requirements of both section 64 and section 65 of the Indian Evidence Act, 1872.
110. Which of the following sections of the Indian Evidence Act, 1872 gives the provisions regarding proof as to electronic signature?
- (a) Section 67 of the Evidence Act
- (b) Section 67 A of the Evidence Act
- (c) Section 67 B of the Evidence Act
- (d) Section 67 C of the Evidence Act
111. Which of the following statement hold true for the dying declaration?
- (a) Dying declaration cannot be used as a sole basis of conviction
- (b) Dying declaration unless corroborated cannot be used as the sole basis of conviction.
- (c) Dying declaration which is brief must be discarded.
- (d) When eyewitness affirms that the deceased was not in fit state to make the declaration, medical opinion cannot prevail.
112. 'A' is accused of murdering 'B' at his house. 'A' raises the defense that he was not in the town at the time when B is alleged to have been murdered. Under which of the following provisions of the Evidence Act, burden of proof would be on 'A' to prove his defense?
- (a) Section 103 of the Evidence Act
- (b) Section 104 of the Evidence Act
- (c) Section 105 of the Evidence Act
- (d) Section 106 of the Evidence Act
113. Which of the following section of the Indian Evidence Act, is amended by the criminal law amendment Act 2013?
- (a) Section 113 A of the Evidence Act
- (b) Section 113 B of the Evidence Act
- (c) Section 114 A of the Evidence Act
- (d) Section 114 B of the Evidence Act
114. Under which section of the Indian Evidence Act, the content of the electronic record may be proved?
- (a) Section 65 A of the Evidence Act
- (b) Section 66 B of the Evidence Act
- (c) Section 67 of the Evidence Act
- (d) Section 65 B of the Evidence Act
115. "Best evidence rule" is exclusively associated with the rule embodied in –
- (a) Section 92 of the Evidence Act
- (b) Section 90 of the Evidence Act
- (c) Section 93 of the Evidence Act
- (d) Section 91 of the Evidence Act
116. "*Judicis est jus dicere, non dare*" means–
- (a) It is to decide what the law is and to apply it; not to make it
- (b) To make the law, decide what the law is and then to apply it
- (c) To decide the law only
- (d) Not to decide what the law is rather only to apply it.
117. '*allegans contrair non est audiendus*' means –
- (a) A witness is not to be heard to allege the contrary.
- (b) A party is not to be heard to allege the contrary.

- (c) A party or witness is not to be heard to allege the contrary.
  - (d) A part or witness both may be heard to allege the contrary.
118. Section 145 of the Evidence Act, is not applicable to the –
- (a) Admission
  - (b) Criminal proceedings
  - (c) Both (a) and (b)
  - (d) Applicable to both admission and criminal proceedings
119. Find out the correct statement with respect to the related/interested witness –
- (i) 'Related' is equivalent to the 'interested'.
  - (ii) A witness may be called interested only when he/she derives some benefit from the result of litigation, in the decree in a civil case or in seeing an accused person punished.
  - (iii) A witness who is a natural one and is the only possible eye witness in the circumstances of a case can be said to be interested.
  - (iv) It is well settled that a related witness cannot be said to be an 'interested' witness merely by virtue of being a relative of the victim.
  - (v) A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause such enmity against accused, to wish to implicate them falsely. Ordinarily, a close relative would be last to screen the real culprit and falsely implicate and innocent person.
  - (vi) Where the court is called upon to deal with the evidence of the interested witness, the approach of the court while appreciating the evidence of such witness must be pedantic.
  - (vii) The court must be cautious in appreciating and accepting the evidence given by the interested witnesses but the court must not be suspicious of such evidence.
  - (viii) The primary endeavour of the court must be to look for consistency. The evidence of witness cannot be ignored or thrown out solely because it comes from the mouth of a person who is closely related to the victim.
- (a) (i), (ii), (iii), (vi), (viii)
  - (b) (ii), (iii), (iv), (v), (vi), (vii)
  - (c) (ii), (iv), (v), (vi), (vii), (viii)
  - (d) (ii), (iv), (v), (vii), (viii)
120. Find out the correct statements:-
- (i) In deciding whether a particular confession attracts the frown of section 24, Evidence Act, the question has to be considered from the point of view of the confession accused as to how the inducement, threat or promise proceeding from a person in authority would operate in his mind.
  - (ii) Section 24 to 26 of the Evidence Act form a trio containing safeguards against accused persons being coerced or induced to confess guilt.
  - (iii) Section 27 of the Evidence Act, partially removes the ban placed on the reception of confessional statements under section 26 of the Evidence Act. But the removal of the ban is not of such an extent as to absolutely undo the section 26 of the Act.
  - (iv) The confession of an accused is substantive evidence but conviction cannot be solely based on a confession.
  - (v) The meaning of the word 'appears' in section 24, Evidence Act is seems. It imports a lesser degree of improbability than proof. The test of proof is that there is such high degree of probability that a prudent man would act on assumption that the thing is true. But under section 24 of the Evidence Act, such stringent rule is waived but a



lesser degree of assurance is laid down as the criteria. The standard of a prudent man is not completely displaced but the stringent rule of proof is relaxed.

- (vi) To exclude a statement as being hit by section 24 of the Evidence Act, the inducement whether it assumes the shape of promise, a threat or mere advice, must relate to the actual charge and be such as is calculated to influence the mind of the accused with respect to his escape from the charge. The inducement must have reference to escape from the charge.
- (vii) The mere existence of threat, inducement or promise is not enough, but if in the opinion of the court the said threat etc. shall be sufficient to cause a reasonable belief in the mind of the accused that by conferring he would get an advantage or avoid any evil of temporal nature in reference to the proceeding against him, it would exclude the confession.
- (a) (i), (ii), (iv), (v), (vii)  
(b) (i), (ii), (iii), (iv), (v), (vi), (vii)  
(c) (i), (iii), (vi), (vii)  
(d) (i), (ii), (iii), (v), (vi), (vii)
121. In which of the following case, it was held that 'when there is a conflict between a conclusive proof envisaged under law and a proof based on scientific advancement accepted by the world community to be corrected, the latter must prevail over the former'?
- (a) Lata Nandlal Badwaik vs. Nandlal Wasudeo Badwaik, (2014) 2 SCC 576  
(b) Nandlal Wasudeo Badwaik vs. Lata Nandlal Badwaik, (2014) 2 SCC 576  
(c) Sharda vs. Dharampal 2003 (6) AIC 138 (SC).  
(d) Goutam Kundu vs. State of West Bengal and another (1993) 3 SC 418.
122. Which section is based upon the maxim *'pater est quem nuptiae demonstrant'*.
- (a) Section 111 A of the Evidence Act  
(b) Section 112 of the Evidence Act  
(c) Section 113 A of the Evidence Act  
(d) Section 113 B of the Evidence Act
123. In which of the following case, it was held that "section 112 of the Evidence Act, requires the party disputing the paternity to prove non-access in order to dispel the presumption. 'Access' and 'Non-access' mean the existence or non-existence of opportunities for sexual intercourse; it does not mean actual cohabitation. It is rebuttable presumption of law under section 112 of the Act that a child born during the lawful wedlock is legitimate, and that access occurred between the parents. This presumption can only be displaced by a strong preponderance of evidence and not by a mere balance of probabilities".
- (a) Goutam Kundu vs. State of West Bengal and another AIR 1993 SC 2295.  
(b) Sharda vs. Dharampal 2003 (6) AIC 138 (SC).  
(c) Kuleep Singh vs. Joginder Kaur, 2007 (52) AIC 770  
(d) All the above
124. In which of the following case, the Hon'ble Apex Court held that "section 133 and 114(b) of the Evidence Act both are the part of one subject and have to be considered together. "The combined effect of section 133 and 114 illustration (b) may be stated as follows that according to former, which is a rule of law, an accomplice is competent to give evidence and according to the latter, which is a rule of practice, it is almost always unsafe to convict upon the testimony of an accomplice cannot be said to be illegal yet the courts will, as a matter of practice, not accept the evidence of such a witness without corroboration in material particulars"—
- (a) Bhiva Doulu Patil vs. State of Maharashtra AIR 1963 SC 599.

- (b) State of Haryana vs. Harpal Singh, AIR 1978 SC 1530
  - (c) S.B. Changule vs. State of Maharashtra AIR 1976 SC 577
  - (d) Labhshanker vs. State of Gujarat, AIR 1979 SC 1012
125. In which of the following case, it was held that “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. But the rule of practice is that it is prudent to look for corroboration of the evidence of an accomplice by other independent evidence. The rule of practice is based on human experience and is incorporated in illustration (b) to section 114 of the Evidence Act which says that an accomplice is unworthy of credit unless he is corroborated in material particulars.
- (a) Sheikh Zakir Hussain vs. State of Bihar (1983) 2 Cr LC 447 (SC)
  - (b) Ramashray Yadav vs. State of Bihar, AIR 2006 SC 201.
  - (c) Govindraju vs. State, AIR 2012 SC
  - (d) All the above
126. In which of the following case, it was held by the Hon’ble Supreme Court that “Section 114, illustration (b) of the Evidence Act, envisages the presumptive uncredit worthiness of an accomplice. But, then section 133 of the Evidence Act provides that a conviction is not illegal merely because it rests upon an uncorroborated testimony of an accomplice. Indictments, particularly of serious crimes, the concept of caution and the rule of prudence enjoin that it is unsafe to rest a conviction on the evidence of a guilty partner in a crime without independent corroboration on the material particulars. Judicial experience was thus, elevated to a rule of law. “It is a practice” it is said “which deserves all the reference of law”.
- (a) Balwant Kaur vs. Union Territory of Chandigarh AIR 1988 SC 139
  - (b) Patel Naranbhai Marghabhai vs. Deceased Dhulabhai Galababhai, AIR 1992 SC 2009.
  - (c) State of Punjab vs. Balvan Singh AIR 1994 SC 1872
  - (d) Pabitra Kumar Roy vs. Alita D’Souza, AIR 2006 SC 3355.
127. Select the right statements with respect to the ‘testimony of witness’ –
- (i) Though a child witness is prone to influence and tutoring but it cannot be laid down as an infallible rule of law that in no case the evidence of such a witness can be relied on. So long as there is no evidence of tutoring of a child witness, and if testimony gives fairly impressive narration of the incident free from embellishments or distortions, it ought not to be rejected on the sole score that the testimony is that of a child witness.
  - (ii) Competency of a person to be a witness is one thing and his eligibility to testify on oath is another under section 118 of the Evidence Act.
  - (iii) Evidence of child witness is not doubt relevant and admissible under section 118 of the Evidence Act though a child witness suffers from several disabilities concerning his power of observation, retention and reproduction. Hence, it should be accepted after very careful consideration and satisfaction that he was stating the correct version.
  - (iv) Evidence Act does not prescribe any particular age as a determinative factor to treat a witness to be a competent one. On the contrary, section 118 of the Evidence Act envisages that all persons shall be competent to testify, unless the court considers that they are prevented from understanding the questions put to them or from giving rational answers to their questions, because of tender years, extreme old age, disease, whether of mind, or any other cause of the same kind. A child of tender age can be allowed to testify if he has intellectual capacity to understand questions and give rational answers thereto. The evidence of a child witness is not required to be rejected per se but the court as a rule of prudence considers such evidence with close scrutiny and only on

being convinced about the quality thereof and reliability can record conviction based thereon.

- (v) Section 118 of the Evidence Act, a child is a competent witness and his unsworn testimony can be accepted provided the child possess sufficient intelligence and understands the importance of telling the truth. The determining factor, as per section 118 of the Indian Evidence Act, is not the infancy, i.e., the tender age, but the capacity or ability of the child witness to understand the questions and to give rational answers thereto. Thus, tender age or immaturity of intellects may be a ground for rejecting the testimony of child witness but if he is able to understand the questions put to him and gives rational answers then his evidence can be accepted and the conviction of the accused can be based on his evidence, though his evidence is to be approached with case and caution.
  - (vi) It is well settled that the evidence of a child witness must find adequate corroboration, before it is relied upon as the rule of corroboration is a practical wisdom than of law.
  - (vii) In rape case, the prosecutrix is incompetent witness.
  - (viii) Section 118 of the Evidence Act, falls within chapter X of the Act.
  - (ix) In exception to section 118 of the Evidence Act, it is given that a lunatic is not in competent to testify, unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.
    - (a) (i), (ii), (iii), (iv), (v), (vi), (vii), (ix)
    - (b) (ii), (iii), (iv), (v), (vi)
    - (c) (i), (ii), (iii), (iv), (v), (vi), (viii)
    - (d) All statements are correct
128. Under section 123 of the Evidence Act, for determining a question when a claim of privilege is made, the court is required to pose the following question/questions–
- (a) Whether the document in respect of which privilege is claimed, is really a document (unpublished) relating to any affairs of state.
  - (b) Whether disclosure of the contents of the document would be against public interest?
  - (c) Either (a) or (b)
  - (d) Both (a) and (b)
129. Analysing the provisions of section 123 and 162 of the Indian Evidence Act, the court has to perform a balancing exercise and after weighing the one competing aspect of public interest against the other, decide where the balance lies –
- (a) If the court comes to the conclusion that, on the balance, the disclosure of the document would cause greater injury to public interest than its non-disclosure, the court would not uphold the objection and allow the document to be disclosed but if, on the other hand, the court finds that the balance between competing public interest lies the other way, the court would not order the disclosure of the document.
  - (b) If the court comes to the conclusion that, on the balance, the disclosure of the document would cause greater injury to public interest than its non-disclosure, the court would uphold the objection and not allow the document to be disclosed but if, on the other hand, the court finds that the balance between competing public interest lies the other way, the court would order the disclosure of the document.
  - (c) The balancing between has to be performed by the court even where an objection to the disclosure of the document is taken on the ground that it belongs to a class of documents which are protected irrespective of their contents, because there is no absolute immunity for documents belonging to such class.
  - (d) Both (b) and (c)

130. If the witness is not brought by a party, or brought but not examined, but is needed by the court, for the just and fair disposal of a case, and if the court summons or examines that witness, then such a witness would be termed as a \_\_\_\_\_ as such a witness would be neither a witness for the prosecution nor for the defence.
- (a) Convict witness
  - (b) Court witness
  - (c) Decoy witness
  - (d) Trap witness
131. Witnesses essential to the unfolding of the narrative, on which the prosecution is based, must of course, be called by the prosecution. The prosecution is not bound to produce all the witnesses said to have seen the occurrence. But the \_\_\_\_\_ considered necessary by the prosecution for unfolding the prosecution story alone, need to be produced, without unnecessary and redundant multiplication of witnesses.
- (a) Inimical witnesses
  - (b) Hostile witnesses
  - (c) Material witnesses
  - (d) Police witnesses
132. A witness who has stated contrary to the case of the party who produced him is a –
- (a) Defence witness
  - (b) Prosecution witness
  - (c) Hostile witness
  - (d) Court witnesses
133. Under section 136 of the Evidence Act –
- (a) When prosecution proposes to give evidence of any fact, the Judge shall ask the party proposing to give the evidence in what manner the alleged fact, if proved would be relevant; and the judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and otherwise.
  - (b) When the defence proposes to give evidence of any fact, the judge shall ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and otherwise.
  - (c) When either party proposes to give evidence of any fact, the judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and otherwise.
  - (d) When either party proposes to give evidence of any fact, the Judge shall ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and otherwise.
134. Witnesses to character may be –
- (a) Examined-in-chief and re-examined
  - (b) Examined-in-chief and cross-examined
  - (c) Cross-examined and re-examined
  - (d) All the above
135. Under section 142 of the Evidence Act -
- (a) The court may permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.
  - (b) The court may not permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

- (c) Either (a) or (b)
  - (d) The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.
136. Who said that the witnesses are the 'eyes and ears of justice'?
- (a) Bentham
  - (b) Austin
  - (c) Savigny
  - (d) Salmond
137. The principle underlying section 153 of the Evidence Act, is to limit the right to call evidence to contradict witness on collateral questions and exclude all evidence of the facts which are incapable of affording any reasonable presumptions or inference as to the principal matter in dispute. A party may not, in general, impeach the credit of his opponent's witnesses by calling witnesses to contradict him on irrelevant matters. The section must be strictly construed and narrowly interpreted. The rule is founded on the following reason/reasons that –
- (a) A witness cannot be expected to come prepared to defend, by independent proof, all the actions of his life.
  - (b) To admit contradicting evidence on such points would lead to confusion by raising an almost endless series of collateral issues.
  - (c) Either (a) or (b)
  - (d) Both (a) and (b)
138. Select the correct statement with respect to section 157 of the Evidence Act –
- (i) The words 'at or about the time' in section 157 of the Evidence Act are the crucial words to judge the time when the statement was made.
  - (ii) Whether the statement was made at or about the time of the incident can be decided on the facts of each case.
  - (iii) No hard and fast rule can be laid down for it. However, these words 'at or about the time' in section 157 of the Evidence Act must receive a pragmatic and liberal construction.
  - (iv) The words 'at or about the time' in section 157 of the Evidence Act must receive strict construction and not pragmatic and liberal construction.
  - (v) The principle is that the time interval between the incident and the utterance of the statement should not be such as to afford occasion for reflection or even contemplation.
  - (vi) If the time interval was so short as between the two that the mind of the witness who made the statement was well connected with the incident without anything more seeping into, such statement has a credence.
  - (vii) And hence can be used, though not as substantive evidence, as corroborating evidence, on the principle adumbrated in section 157 of the Evidence Act.
  - (viii) The main test is whether the statement was made as early as can reasonably be expected in the circumstances of the case and before there was opportunity for tutoring or concoction.
  - (ix) The section envisages two categories of statements of witnesses which can be used for corroboration. First is the statement made by a witness to any person 'at or about the time when the fact took place'. The second is the statement made by him to any authority legally bound to investigate the fact.
  - (x) The section envisages two categories of statements of witnesses which can be used for corroboration. First is the statement made by a witness to any authority legally

bound to investigate the fact 'at or about the time when the fact took place. The second is the statement made by him to any person'.

- (a) (i), (ii), (iii), (v), (vi), (vii), (viii), (x)
  - (b) (i), (ii), (iv), (v), (vi), (vii), (viii), (ix)
  - (c) (i), (ii), (iii), (v), (vi), (vii), (viii), (ix)
  - (d) (i), (ii), (iv), (v), (vi), (vii), (viii), (x)
139. Which section confers jurisdiction on the judge to act in the aid of justice?
- (a) Section 5 of the Evidence Act
  - (b) Section 45 of the Evidence Act
  - (c) Section 165 of the Evidence Act
  - (d) Section 167 of the Evidence Act
140. In which of the following case, it was held that "The adversary system of trial being what is, there is an unfortunate tendency for a Judge presiding over a trial to assume the role of a referee or an umpire and to allow the trial to develop into a context between the prosecution and the defence with the inevitable distortions flowing from combative and competitive elements entering the trial procedure. If a criminal court is to be an effective instrument in dispensing justice, the presiding judge must cease to be a spectator and a mere recording machine. He must become a participant in the trial by evincing intelligent active interest by putting questions to witnesses in order to ascertain the truth".
- (a) State of Rajasthan vs. Ani, 1997 Cr LJ 1529 (1531) (SC)
  - (b) Govind Singh vs. State of U.P. (2005) 53 ACC 906 (All)
  - (c) Manesh Kisanrao Dahe vs. State of Maharashtra 2012 Cri L J (NOC) 311 Bom
  - (d) All the above
141. In which of the following case, it was held that "the identification parade of the accused before the court is not the main substantive piece of evidence rather it is corroborative in nature".
- (a) Manoj Kumar vs. State of Uttarakhand (2019) 5 SCC 663
  - (b) Navaneetha Krishnan vs. State by Inspector of Police (2018) 16 SCC 161
  - (c) Kamlakar vs. State of Maharashtra (2019) SC
  - (d) State of Tamil Nadu vs. Suresh Ranjan (2014) 11 SCC 709
142. In which of the following case, it was held that "the entire testimony of witnesses cannot be discarded merely because part of it was found to false".
- (a) Mahendran vs. State of Tamil Nadu and Ravi Gopu & Ors. Vs. State represented by the Deputy Superintendent of Police (2019) SC
  - (b) Digamber Vaishnav & anr. Vs. State of Chhattisgarh (2019) SC
  - (c) Ganapathi vs. State of Tamil Nadu (2018) 5 SCC 549
  - (d) State of Rajasthan vs. Kalki (1981) 2 SCC 752
143. In which of the following case, it was held that "the evidence of police officials cannot be disregarded merely because it was not supported by independent witnesses".
- (a) Kripal Singh vs. State of Rajasthan (2019) SC
  - (b) Sukhpal Singh vs. State of Punjab (2019) SC
  - (c) Sujit Biswa vs. State of Assam (2013) SC
  - (d) Raja alias Rajinder vs. State of Haryana (2015) SC
144. In which of the following case, it was held that "a 'related' witness cannot be said to be an 'Interested' witness merely by virtue of being a relative of victim".
- (a) Laltu Ghosh vs. State of West Bengal (2019) SC
  - (b) Gangadhar Behera and others vs. State of Orissa (2002) SC

- (c) Kali Ram vs. State of Himachal Pradesh (1973) SC  
(d) Uarkey Joseph vs. State of Kerala (1993) SC
145. **Assertion:** Even for a child immediately after marriage, presumption of legitimacy under Section 112 of the Indian Evidence Act would apply.  
**Reason:** The legislature which extended the period of operation of the presumption by 280 days after dissolution of marriage did not chose to exclude any minimum initial period of matrimony for the application of the presumption.  
**Find the correct response -**
- (a) Both (A) and (R) are correct and (R) is the true explanation to (A).  
(b) Both (A) and (R) are correct but (R) is not the true explanation to (A).  
(c) (A) is true but (R) is false  
(d) (A) is false but (R) is true
146. Admission cannot —
- (a) Be oral  
(b) Amounts of confession  
(c) relate to law  
(d) Be explained
147. Under the Indian Evidence Act, the court may not take Judicial notice of —
- (a) Statutory notification issued by government  
(b) Executive notification issued by government  
(c) All seals of which English Court take judicial notice.  
(d) The geographical division of the World.
148. The decision of a probate court is, a —
- (a) Judgement in rem  
(b) Judgement in personam  
(c) Conclusive proof  
(d) Foreign Judgement
149. Evidence as “all means which tend to prove or disprove any matter, fact, the truth of which is submitted to judicial investigation” is defined by -
- (a) Blackstone  
(b) Taylor  
(c) Bentham  
(d) Stephen
150. The definition of ‘evidence’ given in the Evidence Act does not include the -
- Material things other than document e.g., weapons articles of stolen property
  - Statements made out of the court or before the court by the parties.
  - A thing like struggle in the case of murder.
  - The result of local inquiry or inspection
  - Identification proceedings
- (a) i, iii, iv  
(b) i, iv  
(c) i, ii, iii, iv and v  
(d) iii only
151. Choose the correct statement/statements -
- Presumption of law is based on the provisions of law.
  - The position of presumption of law is certain and uniform.

- (iii) Presumption of law is derived on established judicial norms and they have become part of legal rules.
  - (iv) Presumptions of facts are derived on the basis of law of nature, prevalent customs and human experience.
  - (v) The position of presumption of fact is certain and uniform
  - (vi) Presumption of fact is always rebuttable and goes away when explained or rebutted by establishment of positive proof.
  - (a) (i), (ii), (iii), (iv), (vi)
  - (b) (i), (iii), (iv), (v)
  - (c) (i), (iii), (iv), (v), (vi)
  - (d) (i), (iv), (v), (vi)
152. Choose the correct statement/statements -
- (i) The rules of relevancy declare what is relevant.
  - (ii) The rule of relevancy means relevant evidence. They may be admissible or not.
  - (iii) The facts which are admissible are necessarily relevant.
  - (iv) Admissibility is means and modes for admissibility of relevant evidence.
  - (v) Relevancy is not based on logic but on strict rules of law.
  - (a) (i), (ii), (iii), (iv)
  - (b) (i), (ii), (iii), (iv), (v)
  - (c) (i), (ii), (iii), (v)
  - (d) (i), (ii), (iv), (v)
153. Match the following statements with the correct provisions of Indian Evidence Act -
- |   |               |
|---|---------------|
| (i) Good character of an accused person as an evidence is admissible as from this his innocence or guilt may be inferred.   | 1) Section 55 |
| (ii) When previous conviction is relevant at the trial, bad character is relevant.  | 2) Section 52 |
| (iii) In civil cases, a party's character as an evidentiary fact is totally excluded  | 3) Section 54 |
| (iv) Evidence of character can be given in civil action only when the suit is for damages and not in all the damages suits but only in those cases in which the amount of damages depends on the character of the party | 4) Section 53 |
- (a) i-1, ii-2, iii-3, iv-4
  - (b) i-4, ii-3, iii-2, iv-1
  - (c) i-3, ii-2, iii-1, iv-4
  - (d) i-2, ii-1, iii-4, iv-3
154. The previous statements may be admitted for corroboration, when -
- (a) The statement must have been made at or about the time when the fact took place
  - (b) It must have been made before any authority legally competent to investigate the fact.
  - (c) Either of the two above following conditions may be admitted for corroboration
  - (d) Both the above two conditions must be admitted for corroboration.
155. **(I) Assertion:** It is true that the ban imposed by section 162 CrPC against the use of a statement of witness recorded by the police during the investigation is very sweeping.
- (II) Reason:** The restrictions given under section 162 CrPC cannot limit the power of the court under section 165 Evidence Act because Judge's right is not to unfold the truth only but his duty to intervene with his own questions.



- (a) Both (I) and (II) are correct but (II) is not the true explanation of (I).
  - (b) Both (I) and (II) are correct but (II) is the correct explanation of (I).
  - (c) The restrictions given under section 162 CrPC limits the power of the court given under 165 Evidence Act
  - (d) (I) is wrong but (II) is right
156. The presumption from withholding evidence is given under -
- (a) Section 114(d) of Evidence Act
  - (b) Section 114(e) of Evidence Act
  - (c) Section 114(f) of Evidence Act
  - (d) Section 114(g) of Evidence Act
157. The proverb "Potior est conditio possidentis" embodies the principle of -
- (a) Section 108 of Evidence Act
  - (b) Section 109 of Evidence Act
  - (c) Section 110 of Evidence Act
  - (d) Section 111 of Evidence Act
158. Choose the right statements -
- I. Patent ambiguity is personal and it is related to the person who executes the document.
  - II. Patent ambiguity is based on rule that patent ambiguity makes the document useless.
  - III. Latent ambiguity is objective in nature and it is related to subject matter and object of document.
  - IV. Latent ambiguity is such where the language of document is certain and meaningful but the language of document is not applied to the present circumstances.
  - V. Oral evidence is not permitted to remove latent ambiguity
- (a) I, II, III, IV, V
  - (b) I, II, III, IV
  - (c) I, III, V
  - (d) I, IV, V
159. In which of the following given case, it was held that the 'Rule of res gestae is an exception to rule of evidence, test is that the statement should be spontaneous and should form part of the same transaction ruling out any possibility of concoction'.
- (a) Sukhar vs. State of Uttar Pradesh, (1999) 4Crime 191 SC
  - (b) Javed Alam vs. State of Chhattisgarh (2009) 6 SCC 450
  - (c) Kaside Rajendra vs. State, (2018) Cri LJ 877 (Hyd)
  - (d) Ramdas vs. State of Maharashtra, AIR 2007 SC 155
160. "Confession is defined as an admission made at any time by a person charged with crime stating or suggesting the inference that he committed the crime. It includes non-plenary confessions also as confessions". This definition was given by -
- (a) Salmond
  - (b) Stephen
  - (c) Austin
  - (d) Bentham
161. In which of the following case, it was held that "A court shall base a conviction on a confession without corroboration. It is not a rule of law, but is only a rule of prudence. It cannot even be laid down as an inflexible rule of practice, or prudence that under no circumstances such a conviction can be made without corroboration, for a court may, in particular case, be convicted of the absolute truth of a confession and prepared to act

upon it without corroboration, but it may be laid down as a general rule of practice that it is unsafe to rely upon a confession, much less on a retracted confession, unless the court is satisfied that the retracted confession is true and voluntarily made and has been corroborated in material particulars”.

- (a) Pyare Lal Bhargava vs. State of Rajasthan, 1963 (2) Cr LJ 178 at 181 SC
  - (b) Ram Singh and others vs. State of UP AIR SC 1999 1754
  - (c) Prem Sagar Manocha vs. State of (NCT of Delhi) 2016 (158) AIC 65 (SC)
  - (d) All the above
162. In which of the following case, it was held that “a case where the conclusion of guilt rests solely on a retracted confession is opposed to law and cannot be allowed to stand”.
- (a) Arjuna Lal Mishra vs. State Cr LJ 1633 at 1635 (SC)
  - (b) Balaji vs. State Rep. by Inspector of Police, 2010 Cri LJ 1934 (SC)
  - (c) Rampal vs. State of Haryana, AIR, 2009 SC 2847
  - (d) Both (b) and (c)
163. In which of the following case, it was held that ‘section 27 of the Evidence Act starts with the word ‘provided’. Therefore, it is a proviso by way of an exception to section 25 and 26 of the Evidence Act. If the facts deposed under Section 27 of the Act, are not voluntarily, then it will not be admissible, and will be hit by Art 20(3) of the Constitution of India’.
- (a) State of Bombay vs. Kathi Kalu Oghad AIR 1955 SC 1298
  - (b) State of Bombay vs. Kathi Kalu Oghad AIR 1961 SC 1808
  - (c) State of Bombay vs. Kathi Kalu Oghad AIR 1954 SC 4764
  - (d) State of Bombay vs. Kathi Kalu Oghad (1946) Privy Council
164. In which of the following case, it was held that ‘section 27 of the Evidence Act, is not artistically worded but it provides an exception to the prohibition imposed under the preceding sections. However, the extent of discovery admissible pursuant to the facts deposed by the accused depends only on the nature of the facts discovered to which the information precisely relates’.
- (a) Pulukuri Kotayya vs. King Emperor Privy Council (1946-47) 741A 65.
  - (b) Sabir Khan and another vs. State of UP 1989 SC
  - (c) Mohd. Rafiq Mohd. Rukmooddin Siddikki vs. State of Maharashtra, 2009 Cri LJ 3180 (Bom)
  - (d) All of the above
165. For the applicability of section 27 of the Evidence Act -
- (i) The information must be such as has caused discovery of the fact.
  - (ii) The information must ‘relate distinctly’ to the fact discovered.
  - (iii) Where recovery and seizure of articles was made in pursuance of the statement of accused, mere absence of attestation by the independent witness is not a ground to discard the seizure evidence under section 27 of the Evidence Act, 1872.
  - (iv) Unless a fact is discovered on the basis of information given by a police, no information given by an accused would be regarded as discovery evidence.
  - (v) Section 27 of the Act, is a proviso to section 26 of the Act and makes admissible so much of the statement of the accused which leads to the discovery of a fact deposed to by him and connected with the crime, irrespective of the question whether it is confessional or otherwise.
  - (vi) The statement of the accused persons leading to discovery of fact are clearly admissible as per the provisions contained in section 27 of the Evidence Act, which carves out an exception to the general provisions about inadmissibility of

confession made under police custody contained in section 25 and 26 of the Evidence Act.

- (vii) With regard to section 27 of the Act, what is important is discovery of the material object at the disclosure of the accused but such disclosure alone would not automatically lead to the conclusion that the offence was also committed by the accused.
- (viii) The expression 'fact discovered' includes only physical object produced and not the place from which it is produced and the knowledge of the accused as to this.
- (ix) There must be a discovery of fact albeit relevant fact in consequence of the information received from a person witness of an offence.
- (x) It is correct to say that section 27 of the Indian Evidence Act and section 162, sub-section (2) of the Crpc, in so far as 'that section relates to section 27 Indian Evidence Act' are void as offending Article 14 of the Constitution.
- (xi) If the self-incriminatory information has been given by an accused person without any threat, that will be admissible in evidence and what will not be hit by the provisions of clause (3) of Article 20 of the Constitution for the reason that there has been no compulsion.
- (xii) Where the accused is compelled to give information it will be an infringement of Article 20(3) of the constitution, but there is no such infringement where he gives the information without any compulsion.
- (xiii) The word 'fact' means some concrete or material facts to which the information directly relates.
- (xiv) To invoke section 27 Evidence Act, incriminating article should be concealed so as to evade public gaze.
- (xv) The word 'distinctly' means 'directly', 'indubitably', 'strictly', 'unmistakably'. The word has been advisedly used to limit and define the scope of the provable information. The phrase 'distinctly' relates to the fact thereby discovered is the linchpin of the provision. This phrase refers to that of the information supplied by the accused which is the direct and immediate of the discovery. The reason behind this partial lifting of the ban against confessions and statements made to the police, is that affords some guarantee of truth of that part, and that part only, of the information which was the clear, immediate the proximate cause of the discovery. No such guarantee or assurance attaches to the rest of the statement which may be indirectly or remotely related to the fact discovery.

Select the right statements -

- (a) (i), (ii), (iii), (v), (vi), (viii), (ix), (xi), (xii), (xiv)
- (b) (i), (ii), (iii), (iv), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv)
- (c) (i), (ii), (iii), (iv), (v), (vi), (vii), (xi), (xii), (xiii), (xiv), (xv)
- (d) All the statements are correct except (viii).

166. Find out the correct statement/statements -

- (a) The confession of a co-accused person cannot be treated as substantive evidence and can be pressed into service when the court is inclined to accept other evidence and feels the necessity of seeking for an assurance in support of its conclusion deducible from the said evidence.
- (b) In criminal cases where the other evidence adduced against an accused person is wholly unsatisfactory and the prosecution seek to rely on the confession of a co-accused person, the presumption of innocence which is the basis of criminal jurisprudence assists the accused persons and compels the court to render the

verdict that the charge is not proved against him, and so, charge is not proved against him, and so, he is entitled to the benefit of doubt.

- (c) Both (a) and (b)
  - (d) Neither (a) nor (b)
167. A person is said to be acquainted with the handwriting of another person, when –
- (a) He has seen that person writing.
  - (b) He has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person.
  - (c) In the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.
  - (d) Either (a), (b) or (c)
168. Which of the following below given section of the Evidence Act, prohibits the use of previous bad character evidence except when the accused himself chooses to lead evidence of his good character? The past adverse conduct of the accused ought not to be taken into consideration for the purposes of determining the quantum of sentence, except in specified circumstances.
- (a) Section 52 of the Evidence Act
  - (b) Section 53 of the Evidence Act
  - (c) Section 53A of the Evidence Act
  - (d) Section 54 of the Evidence Act
169. The contents of documents may be proved by the –
- (a) Primary evidence only
  - (b) Secondary evidence only
  - (c) Either by primary or secondary evidence
  - (d) Either by oral evidence, primary evidence or Secondary evidence
170. Select the correct statements -
- (i) Section 91 and 92 of the Evidence Act, supplement each other – they however, differ in some material particulars. They are based on 'Best evidence rule'.
  - (ii) Section 91 of the Evidence Act, would be inoperative without the aid of section 92 of the Act, and similarly section 92 would be inoperative without the aid of section 91 of the Act.
  - (iii) Section 91 of the Act, applies to all documents, whether they purport to dispose of rights or not.
  - (iv) Section 92 of the Act, applies to document which can be described as dispositive.
  - (v) Section 91 of the Act, applies to document which are both bilateral and unilateral.
  - (vi) The application of section 92 of the Act, is confined only to bilateral documents.
- (a) (i), (iii), (v), (vi)
  - (b) (i), (ii), (iii), (v)
  - (c) All statements are correct except (ii)
  - (d) All statements are correct
171. Select the correct statement -
- (i) The general burden of establishing the guilt of accused is always on the prosecution and it never shifts.
  - (ii) In respect of cases covered by section 105 of the Evidence Act, the prosecution is absolved of its duty of discharging the burden.
  - (iii) The onus which rests on the accused person under section 105 of the Evidence Act, to establish his plea of private defence is not as onerous as the unshifting burden which lies on the prosecution to establish every ingredient of the offence with which the accused is charged beyond reasonable doubt.

- (iv) It is true that under section 105 of the Evidence Act, the onus to prove the existence of circumstances bringing the case within any of the general exceptions is on the accused. It is however, well settled that this burden is not of the same nature as the one which lies on the prosecution to establish commission of the offence beyond reasonable doubt.
  - (v) The burden on the accused does not extend to his affirmatively proving his version, but if he shows the probability of his version or at least creates a reasonable doubt in the prosecution case, he is entitled to the benefit of doubt.
  - (vi) Under section 105 and 106 of the Evidence Act, the burden of proof shifts only partially to the accused. The accused does not have to disprove the ingredients of the offence proved against him.
  - (vii) The accused for the purpose of discharging this burden under section 105 can rely also on the probabilities.
    - (a) (i), (ii), (iii), (vi)
    - (b) (i), (iii), (iv), (v)
    - (c) (i), (iii), (iv), (v), (vi), (vii)
    - (d) (i), (ii), (iii), (iv), (v), (vi), (vii)
172. Which of the following provision of the Evidence Act, itself is unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him? This section is not intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt. But the section would apply to the cases where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding the existence of certain other facts, unless the accused by virtue of his special knowledge regarding such facts, failed to offer any explanation which might drive the court to draw a different inference.
- (a) Section 103 of the Evidence Act
  - (b) Section 104 of the Evidence Act
  - (c) Section 105 of the Evidence Act
  - (d) Section 106 of the Evidence Act
173. The term 'Presumption' is -
- (i) An inference as to the existence of a fact not actually known arising from its connection with another which is known.
  - (ii) A conclusion drawn from the proof of facts or circumstances and stands as establishing facts until overcome by contrary proof.
  - (iii) A probable consequence drawn from facts (either certain, or proved by direct testimony) as to the truth of a fact alleged but of which there is no direct proof. It follows, therefore, that a presumption of any facts is an inference of that fact from others that are known.
  - (iv) The word, 'presumption' inherently imports an act of reasoning, a conclusion of the Judgment; and it is applied to denote such facts or moral phenomena, as from experience to be invariably, or commonly, connected with some other related facts.
  - (v) A presumption is a probable inference which common sense draws from circumstances usually occurring in such cases. The slightest presumption is of the nature of probability, and there are almost infinite shades from slight probability to the highest moral certainty. A presumption result from a previously known and ascertained connection between the presumed fact and the fact from which the inference is made.
    - (a) (i), (ii), (iii), (iv), (v)
    - (b) (i), (ii), (iii), (iv)
    - (c) (i), (ii), (iii)
    - (d) (i), (ii), (iv)

174. 'Presumptio iuribus et de iur' means –

- (a) Absolute presumption
- (b) Conclusive presumption
- (c) Irrebuttable presumption
- (d) All the above

175. The expression 'against each other' under section 10 of the Evidence Act, is intended to prove -

- (a) The existence of conspiracy
- (b) To show that a person was party to it
- (c) Cannot be used in favour of the party or for the purpose of showing that such a person was party to it.
- (d) All of them.

176. Section 63 (3) of the Indian Evidence Act, refers to which of the following type of copies?

- (a) A copy made from original
- (b) A compared copy made from the original
- (c) Either (a) or (b)
- (d) Both (a) and (b)

177. 'Acta in uno iudicio non probant in alio nisi inter easdem personas' means -

- (a) Things done in one action cannot be taken as evidence in another, unless it is not between the same parties
- (b) Things done in one action cannot be taken as evidence in another, unless it is between the same parties.
- (c) Things done in one action can be taken as evidence in another, unless it is between the same parties.
- (d) None of them

178. Which of the following section of the Indian Evidence Act, does not exclude circumstantial evidence?

- (a) Section 38 of the Evidence Act
- (b) Section 42 of the Evidence Act
- (c) Section 57 of the Evidence Act
- (d) Section 60 of the Evidence Act

179. By whom the necessity of the insertion of the two provisions in Section 113 of the Evidence Act has been amply analysed?

- (a) Law commission of India, 19<sup>th</sup> report, 8 August 1988 on Dowry Death and Law reforms.
- (b) Law commission of India, 20<sup>th</sup> report, 9 August 1988 on Dowry Death and Law reforms.
- (c) Law commission of India, 21<sup>st</sup> report, 10 August 1988 on Dowry Death and Law reforms.
- (d) Law commission of India, 22<sup>nd</sup> report, 15 August 1988 on Dowry Death and Law reforms.

180. Presumption under which of the following section extends to testamentary documents?

- (a) Section 88 of the Evidence Act
- (b) Section 89 of the Evidence Act
- (c) Section 90 of the Evidence Act
- (d) Section 98 of the Evidence Act

181. Which of the following are outside the scope of the Indian Evidence Act?

- (a) Contempt proceedings
- (b) Affidavit

- (c) Proceedings before Arbitration  
(d) All of them
182. 'Affirmanti non neganti incumbit probatio' means -  
(a) The burden of proof does not rests upon him who affirms, but upon him who denies  
(b) The burden of proof rests upon him who affirms, not upon him who denies  
(c) The burden of proof rests upon the discretion of the court  
(d) None of the above
183. The principle of approbate and probate is based on the maxim -  
(a) *Allegans contraria non est audiendus*  
(b) *Allegans falsum non est audiendus*  
(c) *Allegans factum uno non est audiendus*  
(d) None of the above
184. Upon which of the following maxim, proviso (5) of Section 92 of the Evidence Act is based?  
(a) *Consuetude loci est observanda*  
(b) *Magister rerum uses*  
(c) *Optimus interpret rerum usus*  
(d) All of them
185. How many total sections are given under Indian Evidence Act, 1872?  
(a) 167  
(b) 168  
(c) 169  
(d) 166
186. 'Ambiguitas verborum patens nulla verificatione excluditur' means -  
(a) A patent ambiguity can be cleared by extrinsic evidence.  
(b) A patent ambiguity cannot be cleared by extrinsic evidence.  
(c) A patent ambiguity cannot be cleared by intrinsic evidence.  
(d) None of them
187. *Falsus in uno, falsus is omnibus* means -  
(a) False in one thing, false in all  
(b) False in one thing, but not to be fully discarded  
(c) False in one thing, but must be proved.  
(d) None of them
188. Which of the following section of the Indian Evidence Act, comes into play when judge is to decide the admissibility of evidence?  
(a) Section 133 of the Evidence Act  
(b) Section 136 of the Evidence Act  
(c) Section 149 of the Evidence Act  
(d) Section 140 of the Evidence Act
189. Which of the following section of the Indian Evidence Act, deals with order of production and examination of witnesses?  
(a) Section 135 of the Evidence Act  
(b) Section 136 of the Evidence Act  
(c) Section 137 of the Evidence Act  
(d) Section 138 of the Evidence Act
190. Which of the following sections of the Indian Evidence Act, deals with proof of cession of territory?  
(a) Section 111 of the Evidence Act  
(b) Section 111A of the Evidence Act

- (c) Section 113 of the Evidence Act
  - (d) Section 131 of the Evidence Act
191. Which of the following is a valid privity as per section 18 of the Evidence Act?
- (a) Privies in blood, such as heir, an ancestor, and coparceners.
  - (b) Privies in law, as executor and testator, administrator and a person dying intestate.
  - (c) Privies in estate or interest, as vendor and purchaser, lessor and lessee, mortgagor and mortgagee, donor and donee.
  - (d) All of them
192. To which of the following clause of section 63 of the Evidence Act, copies by photography, lithography, cyclostyle and carbon copies belong?
- (a) Clause 2
  - (b) Clause 3
  - (c) Clause 4
  - (d) Clause 5
193. Aliqualis probatio means :
- (a) Any kind of proof whatever, strictly in accordance with legal rules resorted to when no other better evidence can be adduced.
  - (b) Any kind of proof whatever, although not strictly in accordance with legal rules, and not resorted to when any other better evidence can be adduced.
  - (c) Specific proof although not strictly in accordance with legal rules resorted to when no other better evidence can be adduced.
  - (d) None of them
194. Ambiguitas verborum latens verificatione suppletur nam quod ex facto oritur ambiguum verificatione facti tollitur means –
- (a) An apparent ambiguity cannot be removed by parol evidence, for an ambiguity which arises from an intrinsic fact may be removed by proof of such fact.
  - (b) A latent ambiguity may be removed by parol evidence, for an ambiguity which arises from an extrinsic fact may be removed by proof of such of fact.
  - (c) An apparent ambiguity may be removed by parol evidence, for an ambiguity which arises from an intrinsic fact may be removed by proof of such fact.
  - (d) None of them
195. Which of the following sections of the Indian Evidence Act, are complementary to one another?
- (a) Section 145, 146 and 153 (3) of the Evidence Act
  - (b) Section 140, 142 and 150(2) of the Evidence Act
  - (c) Section 139, 140 and 149(2) of the Evidence Act
  - (d) All the above
196. The law of evidence is a part of the law of procedure, whether :-
- (a) The witness is competent or not.
  - (b) A certain matter requires to be proved by writing or not
  - (c) A certain evidence proves a certain fact or not
  - (d) All of the above
197. Name the Hon'ble Mr. Justice, who pronounced the judgment in Bhabani Prasad Jena vs. Convenor Secretary, Orissa State Commission for women and another –
- (a) Hon'ble Mr. Justice R.M. Lodha
  - (b) Hon'ble Mr. Justice Aftab Alam
  - (c) Hon'ble Mr. Justice A.M. Ahmadi
  - (d) Hon'ble Mr. Justice S. Mohan



198. Name the Hon'ble Mr. Justice, who pronounced the judgment in Atbir vs. Government of NCT of Delhi on 09.08.2010 –

- (a) Hon'ble Mr. Justice B.S. Chauhan
- (b) Hon'ble Mr. Justice P. Sathasivam
- (c) Hon'ble Mr. Justice P. Venkatarama Reddi
- (d) Hon'ble Mr. Justice B.P. Singh

199. Name the Hon'ble Mr. Justice, who pronounced the judgment in Nishi Kant Jha vs. State of Bihar on 2<sup>nd</sup> December, 1968?

- (a) Hon'ble Mr. Justice M. Hidayatullah
- (b) Hon'ble Mr. Justice J.C. Shah
- (c) Hon'ble Mr. Justice Ramaswami
- (d) Hon'ble Mr. Justice G.K. Mitter

200. "odiosa et inkonesta non sunt in legepralsumenda" means –

- (a) Court may presume anything in the interest of justice.
- (b) Dishonourable things may presumed by the law.
- (c) Nothing dishonourable may be presumed by the law.
- (d) Odious is the presumption of law.