



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

THIRD YEAR BACHELOR OF LAWS

(Effective from Session 2021-22)

PAPER – I (PAPER CODE - 8001): (PAPER NAME – **LAW OF EVIDENCE**)

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

A . Indian Evidence Act, 1872-

1. **Preliminary:** Application of Indian Evidence Act, Definition : Court, Fact – fact in issue and relevant fact, Evidence - meaning and its kinds, proved, disproved, not proved, may presume, shall presume and conclusive proof, presumptions of fact and law.
2. **Relevancy of facts :** Explaining - Res-gestae, occasion, cause, effect, motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts and otherwise relevant become relevant, accidental and incidental facts. Facts which need not be proved, improper admission and rejection of facts.
3. **Admission and Confession :**
 - (A) Admission : Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof, admission as an estoppel.
 - (B) Confession : Definition, its kinds, confession caused by inducement, threat or promise, confession to police officer, confession in the custody of police, Confession to Magistrate, Confession by co-accused.
 - (C) Difference between admission and confession.
 - (D) Relevancy of statements:
 - (i) Statements by persons who cannot be called as witness.
 - (ii) Statement made under special circumstances.
 - (iii) Relevancy of judgement of a Court of Law
 - (iv) Opinion of third person
 - (v) Opinion of experts
 - (vi) Relevancy of character
4. **Evidence:** Oral evidence, documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public and private document. Exclusion of oral evidence by documentary evidence, Application of this principle, its exceptions, ambiguous documents, kinds of ambiguity.
5. **Burden of Proof :** Meaning, general principles of burden of proof in civil and criminal cases and exceptions to it. When burden of proof shifts, proof of legitimacy of child, proof in dowry deaths and in the matters of rape.
6. **Estoppel :** Meaning, essentials, nature and its kinds.

Witnesses: Competency of witness, when persons can be compelled to appear as witnesses, privileged communications and documents, accomplice, hostile witness.

7. **Examination of Witnesses:** Order of examinations, kinds of examinations, leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of document, Judge's power to put questions and to order production. Effect of improper acceptance or rejection of evidence.

LEADING CASES FOR EXAMINATION:

1. Pakala Narayan v. Emperor, AIR 1939 PC 47
2. Venkateshwarlu v. Venkatanarayan, AIR 1954 SC 176
3. Machhi Singh v. State of Punjab, 1983 (3) SCC 470
4. Selvi & Ors v. State of Karnataka, (2010) 7 SCC 263
5. Dudh Nath Pandey v. State of UP, AIR 1981 SC 911

CASES FOR READING:

1. Palvinder kaur v. The State of Punjab, AIR 1952 SC 354
2. Pam Chandra v. State of U.P., AIR 1957 SC 381
3. Vedivelu v. State of Madras, AIR 1957 SC 615
4. M.C. Vergheese v. T.J. Ponnann, AIR 1970 SC 1876
5. Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik, (2014) 2 SCC 576

SUGGESTED READINGS

1. Ratan Lal : The Law of Evidence
2. Batuklal : Law of Evidence
3. Vepa P. Sarathi : Law of Evidence
4. राजाराम यादव : साक्ष्य विधि
5. अवतार सिंह : साक्ष्य विधि