

LL.B. II TERM

Paper : LB - 201 - Evidence Law

Prescribed Legislation :

The Indian Evidence Act, 1872

Prescribed Books:

1. Vepa P. Sarathi, *Law of Evidence* (6th ed., 2006)
2. M. Monir, *Law of Evidence* (14th ed., 2006)

I. GENERAL ISSUES RELATING TO LAW OF EVIDENCE (6 periods)

- (a) (i) Re-enactment of past events for deducing blameworthiness or entitlements of the parties is the core enquiry of Evidence Law. Similarities between the historians, authors, media persons and lawyers in their re-enactment of 'past event' enterprise.
(ii) Why rules of evidence have different significance under the Adversarial System and Inquisitorial System of Justice?
- (b) History of statutory Evidence Law in India – Pre and post Indian Evidence Act, 1872 realities – Role of Judiciary, particularly the appellate judiciary in updating the Evidence Law rules by judicial creativity.
- (c) Understanding the concepts such as : 'Facts', 'Facts in issue', 'Relevant Fact', 'Evidence-Oral and Documentary', 'Proved', 'Disproved' and 'Not Proved'.
- (d) Relationship between law of Evidence and substantive laws (Criminal and Civil laws) and procedural laws (Code of Criminal Procedure and Civil Procedure Code).

II. RELEVANCY AND ADMISSIBILITY OF FACTS (14 periods)

- (a) (i) Logically relevant facts – sections 5-9, 11
(ii) Special class of relevant facts relating to Conspiracy – section 10
- (b) Stated relevant facts
 - (i) Admissions - sections 17-23
 - (ii) Confessions - sections 24-30
 - (iii) Dying Declarations - section 32(1)
- (c) Opinion of Third Person when relevant - sections 45-51

1.	<i>State of Maharashtra v. Prafulla B. Desai (Dr.)</i> (2003) 4 SCC 601	1
2.	<i>R. M. Malkani v. State of Maharashtra</i> , AIR 1973 SC 157	10
3.	<i>Mirza Akbar v. Emperor</i> , AIR 1940 PC 176	17
4.	<i>Badri Rai v. State of Bihar</i> , AIR 1958 SC 953	23
5.	<i>Mohd. Khalid v. State of W.B.</i> (2002) 7 SCC 334	26
6.	<i>Jayantibhai Bhenkerbhai v. State of Gujarat</i> (2002) 8 SCC 165	39
7.	<i>Bishwanath Prasad v. Dwarka Prasad</i> , AIR 1974 SC 117	46
8.	<i>Central Bureau of Investigation v. V.C. Shukla</i> , AIR 1998 SC 1406	49
9.	<i>Veera Ibrahim v. State of Maharashtra</i> , AIR 1976 SC 1167	59
10.	<i>Aghnoo Nagesia v. State of Bihar</i> , AIR 1966 SC 119	64
11.	<i>Pulukuri Kottaya v. Emperor</i> , AIR 1947 PC 67	70
12.	<i>Bodhraj v. State of J. & K.</i> (2002) 8 SCC 45	76
13.	<i>Khushal Rao v. State of Bombay</i> , AIR 1958 SC 22	86
14.	<i>Sudhakar v. State of Maharashtra</i> (2000) 6 SCC 671	95
15.	<i>Patel Hiralal Joitaram v. State of Gujrat</i> (2002) 1 SCC 22	101
16.	<i>Laxman v. State of Maharashtra</i> (2002) 6 SCC 710	108
16A	<i>Mukesh & Others v. State for NCT of Delhi & Ors.</i> (2017) 6 SCC 1.	
17.	<i>Ram Narain v. State of U.P.</i> , AIR 1973 SC 2200 : (1973) 2 SCC 86	111

III. ON PROOF (7 periods)

- (a) (i) Facts which need not be proved – sections 56-58
- (ii) Facts which the parties are prohibited from proving – Doctrine of Estoppel – sections 115-117
- (iii) Privileged communications – sections 122-129
- (b) (i) Oral and documentary evidence – sections 59-78
- (ii) Exclusion of oral by documentary evidence – sections 91-92

18.	<i>R. S. Maddanappa v. Chandramma</i> (1965) 3 SCR 283	114
19.	<i>Madhuri Patel v. Addl. Commissioner, Tribal Development</i> , AIR 1995 SC 94	120
20.	<i>Sanatan Gauda v. Berhampur University</i> , AIR 1990 SC 1075	131
21.	<i>M.C. Vergheese v. T.J. Ponnann</i> , AIR 1970 SC 1876	136
22.	<i>State of U.P. v. Raj Narain</i> , AIR 1975 SC 865	140

IV. ACCOMPLICE EVIDENCE – section 133 read with section 114 (b) (2 periods)

23.	<i>Bhuboni Sahu v. The King</i> , AIR 1949 PC 257	158
24.	<i>Haroon Haji Abdulla v. State of Maharastra</i> , AIR 1975 SC 856	163
25.	<i>Ravinder Singh v. State of Haryana</i> , AIR 1975 SC 856	169

V. WITNESSES ; COMPETENCE AND EXAMINATIONS (3 periods)

- (a) (i) Child Witness – section 118
- (ii) Dumb Witness – section 119
- (iii) Hostile Witness – section 154
- (b) Examination, cross-examination and re-examination- sections 137-139, 155

26. *State of Bihar v. Laloo Prasad* (2002) 9 SCC 626 176

VI. PRESUMPTIONS (2 periods)

Sections 4, 41, 105, 111-A, 112, 113, 113-A, 113-B, 114 and 114-A

27. *Goutam Kundu v. State of West Bengal*, AIR 1993 SC 2295 178

28. *Dipanwita Roy v Ronobroto Roy*. AIR 2015 SC 418 185

IMPORTANT NOTE:

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.
3. The Question Paper shall include one compulsory question consisting of five parts out of which four parts will be required to be attempted. The question papers set for the examinations held during 2007-08 and 2008-09 are printed below for guidance of the students.
4. The periods indicated against each topic are the minimum teaching hours.

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LL.B. II Term

Evidence Law

Cases Selected and Edited by

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