

**GUJARAT NATIONAL LAW UNIVERSITY  
SILVASSA CAMPUS**

Course: **Law of Evidence (The Bharatiya Sakshya Adhiniyam)**  
**Semester- V (Batch: 2023-28)**

**End Semester Examination: October – November 2025**

**Date: 26<sup>th</sup> October, 2025**

**Duration: 3 hours**

**Max. Marks: 50**

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**Instructions:**

- Read the questions properly and write the answers in the given answer book.
  - Do not write anything on the question paper.
  - The respective marks for each question are indicated in-line.
  - Indicate correct question numbers in front of the answer.
  - No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
  - Word Limit: 500-1500 words.
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**Attempt any five questions.**

- |   | <b>Marks</b> |
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| Q.1 D, an environmental activist, wrote a detailed email to E, a lab technician, requesting a banned chemical compound, 'Z', for a "field experiment" to expose a local factory's pollution, mentioning the factory's location (Area Y). D did not get a reply from E and two weeks later sent a WhatsApp message to F, a former colleague, asking about sources for chemical 'Z', again mentioning Area Y. Meanwhile, E sent the chemical 'Z' to D via courier, which D received after sending message to F. D successfully used chemical 'Z' to contaminate the factory's discharge pipe before the contamination was discovered, and D, E, and F were subsequently arrested. In the trial, the prosecution produces the email to E, the WhatsApp messages to F, and the chemical 'Z' found at the site. Discuss the relevancy of the email, the WhatsApp message, and the chemical 'Z' under the Bhartiya Sakshya Adhiniyam, 2023 with the help of relevant case laws. | (10)         |
| Q.2 (A) A doctor, P, is facing a criminal trial for culpable homicide not amounting to murder for alleged gross medical negligence resulting in a patient's death. During the trial, the prosecution seeks to introduce a certified copy of a court order from two years prior, where P was civilly held liable for medical negligence in a separate, unrelated patient's case and was ordered to pay compensation. The defence objects, arguing that a finding in a civil suit cannot be used in a criminal trial to establish P's guilt or to prejudice the jury by suggesting a predisposition to negligence. Analyse whether the prosecution can rely on the prior civil judgment of negligence and under what circumstances judgments relating to past conduct or character are relevant under the Bhartiya Sakshya Adhiniyam, 2023.   | (5*2=10)     |
| (B) Explain the evidentiary value of expert opinion under the Bharatiya Sakshya Adhiniyam, 2023. Can expert opinion alone form the basis of conviction? Support your answer with statutory provisions and judicial interpretation.  |              |

- Q.3    Mr. Vikram was suspected of murder of Miss Reshma. He was apprehended by police and brought to the police station. The police inspector was well built and has a rough voice and appearance. Being afraid that he would beat, Mr. Vikram has in writing to the Police Inspector, while in his custody that “I have murdered Miss Reshma with a knife, and I have hidden it in an old house. I can show it to you if you take me there”. In this situation, what portion, if any is admissible in evidence out of the statement by Mr. Vikram to police? What is the reason why the entire statement cannot be accepted in evidence? Explain with the help of relevant authorities. (10)
- Q.4    A Hindu woman, S, was married to P in January 2018. They separated in January 2021, and their marriage was legally dissolved by a divorce decree on May 1, 2022. S immediately married her long-time partner, R, on May 15, 2022. A son was born to S on November 10, 2022. R challenges the legitimacy of the son, asserting that the child must belong to P, since the child was born only six months after the marriage to R and just over six months after the divorce from P. R argues that the child was conceived while S was still married to P. Will R succeed in his challenge to the son's legitimacy? Decide the case with the help of relevant case laws and provisions under the Bharatiya Sakshya Adhiniyam, 2023. (10)
- Q.5    ‘A’, the deceased wife was married to ‘B’ in Jan 2014. The couple lived together peacefully but six months after marriage, disputes arose between them. ‘A’ complained to her parents on several occasions about harassment to her by the husband and in-laws through letters. On 30th March 2015, ‘A’ was admitted to the hospital with 80% burns. The police and the Magistrate were informed. The statement of ‘A’ was recorded by the Magistrate in the presence of police and the doctor on the duty. ‘A’ became unconscious before he could answer the last question- “What move you want to say?” A died the same day. ‘A’ had made her husband, sister in-law and mother-in law responsible for burning her as per her statement made to the magistrate. Can the accused persons be convicted based on uncorroborated dying declaration alone? Discuss with relevant case law. (10)
- Q.6    “In a criminal trial, the prosecution examined a witness who stated that he did not see the murder himself but was told by his friend that the accused had committed the crime.” Discuss whether such testimony is admissible, considering the principle against hearsay under the Bharatiya Sakshya Adhiniyam, 2023. (10)