

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2020
PART-III, PAPER-IV**

LAW OF EVIDENCE & LIMITATION

Total Marks 100
Time: 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks.

Write short notes on the following:

1. Acknowledgment of liability
2. Res gestae
3. Are entries in books of account relevant?
4. Limitation in case of continuing breach.
5. Identification parade.
6. Character in Civil Cases
7. Need for corroboration of evidence of an accomplice
8. When is entry in public record relevant?
9. Alibi
10. Privileged communication

[7x5=35]

PART B

Answer any TWO questions. Each carries 10 marks.

1. Finding that "X" was stealing jewellery from the shop "A", the Manager in the shop chased "X". "A" fell in a trench and sustained serious injury. While he was undergoing treatment in the hospital, he gave a statement to police that "X" had stolen jewellery, based on which a crime was registered. "A" succumbed to the injuries. Can the aforesaid statement of "A" be used as a dying declaration? Explain.
2. 'A' is arrested for the murder of 'B'. 'A' states to the police officer "I took out the gun from my pocket, shot 'B' and then I hid the gun in my backyard". The police recovered the said weapon. Can the entire statement made by 'A' be proved?

....2.

3. 'A' borrowed ₹1 lakh from 'B' on 1/1/2010. On 30/3/2013, 'A' executed a cheque in favour of 'B' for an amount of ₹20,000/- and acknowledged the liability. The cheque was dishonoured on 15/4/2013. 'A' files a suit on 1/1/2016 for recovery of the dues. 'B' contends the suit is time barred. Decide.

[2x10=20]

PART C

Answer any THREE questions. Each carries 15 marks.

1. What is estoppel? Discuss the application of the principles in a landlord and tenant relationship?
2. Presumptions under the Evidence Act.
3. Discuss the legal disabilities under Limitation Act. When is a special exception available regarding the legal disabilities?
4. Discuss effect of fraud or mistake on the period of limitation?
5. Explain the role and importance of different presumptions under the Indian Evidence Act?

[3x15=45]