

B.A. LL.B.(HONS.) 5 YEAR COURSE FOURTH SEMESTER

LL.B (Hons)-3 year course 1st semester

BBA.LL.B(Hons)-5 year course -4th semester 2024-25

Law of Crimes-I

Course Objectives

CO1 To understand the purpose and importance of Bhartiya Nyaya Sanhita, the general principles, stages of crime, punishments, general Exceptions, abetment, criminal Conspiracy and attempt.

CO2 To familiarize with offences against the women and child, against the human body and against the state.

CO3 To understand the Offences relating to election, coin, currency, bank notes, public tranquility, public servants, false evidences and offences affecting public health, safety, decency and morals.

CO4 To study Offences relating to religion, property, documents, property marks, criminal intimidation and defamation.

CO5 To acquaint the students with offences, their constituent elements and well-defined penalties under The Bhartiya Nyaya Sahinta, significant case laws and problem based illustrations.

Learning Outcomes:

LO1 Students will develop holistic understanding of Bhartiya Nyaya Sahinta , concept of crime, its essentials and stages of crime causation and to comprehend the legal framework and principles

LO2 Students will be able to understand Offence against the women and child, against the human body and against the state.

LO3 Students will demonstrate comprehensive knowledge of the offences relating to election, coin, currency, bank notes, public tranquility, public servants, false evidences and offences affecting public health, safety, decency and morals.

LO4 Students will acquire understanding of Offences relating to religion, property, documents, to property marks, criminal intimidation and defamation.

LO5 Students will be able to explain the legal provisions and to distinguish the various concepts and offences under Indian Penal Code and also able to understand and identify the elements of crime in given factual situations entailing culpability.

Note:

- (a) Nine questions shall be set in all, two questions in each unit I-IV and one compulsory question in unit-V.
- (b) The Compulsory question in unit-V shall consist of four parts, one from each unit-I to IV.
- (c) The candidate shall be required to attempt five questions in all, selecting one question from each Unit-I to IV and question no. 9 in Unit-V shall be compulsory.
- (d) Each question in Unit-I to IV shall carry 14 marks and question no. 9 in Unit-V shall carry 3 marks each question.

UNIT-I

General Principles and Stages of Crime

Purpose and Importance of Bharatiya Nyaya Sanhita

Preliminary (Section 1-3)

Punishments (Section 4 -13)

General Exceptions (Section 14-44)

Abetment, Criminal Conspiracy and Attempt (Section 45-62)

Recommended Cases:

1. Basdev v. State of Pepsu, AIR 1956 SC 488
2. State of M.P. v. Mahendra, (2022) 12 SCC 442
3. Birbal Choudhary v. State of Bihar, (2018) 12 SCC 440
4. Union of India v. Dharam Pal, (2019) 15 SCC 388
5. Manoj v. State of M.P., (2023) 2 SCC 353
6. Somasundaram v. State, (2020) 7 SCC 722

UNIT-II

Offences against Woman and Child -Sexual offences (Section 63-73), Criminal Force and Assault against Women (Section 74-79), Offences relating to Marriage (Section 80-87), Causing Miscarriage, etc. (Section 88-92), Offences against Child (Section 93-99). Offences Affecting the Human Body-Offences Affecting Life (Section 100- 113), Hurt (Section 114-125), Wrongful Restraint and Wrongful Confinement (126-127), Criminal Force and Assault (Section 128-136), Kidnapping, Abduction, Slavery and Forced Labour (Section 137- 146).

Offences against the State (Section 147-158)

Recommended Cases:

1. Independent Thought v. Union of India, AIR 2017 SC 4904 1
2. Manoj v. State of M.P., (2023) 2 SCC 353
3. Navtez Singh Johar and Others v. Union of India (2018)10 SCC 1
4. Supriyo v. Union of India, 2023 SCC OnLine SC 1348
5. Common Cause v. Union of India, (2018) 5 SCC 1
6. Joseph shine v. union of India (2019) 3 SCC 39
7. Bibi Parwana Khatoon @ Parwana Khatoon v. the State of Bihar (2017) 6 SCC 792 6.
8. Deepak v. State of Maharashtra, 2022 SCC OnLine SC 99
9. Chaitu Lal v. State of Uttarakhand, (2019) 20 SCC 272
10. Amish Devgan v. Union of India, (2021) 1 SCC 1
11. Kishorechandra Wangkhemcha v. Union of India (2021) 6 SCC 177

UNIT-III

Offences Relating to the Army, Navy and Air Force (Section 159-168)Offences Relating to Elections (Section 169-177) ,Offences Relating to Coin, Currency-Notes, Bank-Notes, and Government Stamps (Section 178-188), Offences against the Public Tranquility (Section 189-197), Offences by or Relating to Public Servants (Section 198-205), Contempt of the Lawful Authority of Public Servants (Section 206-226.), False Evidence and Offences against Public Justice (Section 227-269). Offences Affecting the Public Health, Safety, Convenience, Decency and Morals (Section 270 - 297)

Recommended Cases:

1. Dipakbhai Jagdishchndra Patel v. The State Of Gujarat, AIR 2019 SC 3363,
2. Kamal Nath v. Election Commission of India and Ors, AIR 2019 SC 336
3. Alakh Alok Srivastava v. Union of India, 2020 SCC Online SC

345

4. Bandekar Bros. (P) Ltd. v. Prasad Vassud (2020) 20 SCC 1
5. State of Arunachal Pradesh v. Ramchandra (2019) 10 SCC 75
6. Kaushal Kishore v. State of Uttar Pradesh & Ors., (2023) 4 SCC 1

UNIT-IV

Offences Relating to Religion (Section 298 - 302), Offences against Property - Theft (Section 303-307), Extortion (Section 308), Robbery and Dacoity (Section 309-313), Criminal Misappropriation of Property (Section 314- 315), Criminal Breach of Trust (Section 316), Receiving Stolen Property (Section 317), Cheating (Section 318-319), Fraudulent Deeds and Dispositions of Property (Section 320-323), Mischief (Section 324-328), Criminal Trespass (Section 329-334), Offences Relating to Documents and to Property Marks (Section 335-350). Criminal Intimidation, Insult, Annoyance, Defamation, etc. (Section 351- 357). Repeal and Savings (Section 358).

Recommended Cases:

1. Indian Young Lawyers Association v. The State Of Kerala, AIR ONLINE 2018 SC 243
2. Vijay Madanlal Choudhary v. Union of India, 2022 SCC OnLine SC 929
3. State of U.P. v. Aman Mittal, (2019) 19 SCC 740
4. Missu Naseem v. State of A.P., (2022) 4 SCC 807
5. Subramaniam Swamy v. Union of India, AIR 2016 SC 2728

Bare Acts:

- Bharatiya Nyaya Sanhita, 2023.

Recommended Books:

1. Vageshwari Deswal, Saurabh Kansal, Taxmann, Taxmann's Bharatiya Nyaya Sanhita | Law & Practice, 1st Edn., Taxmann Publication, 2023
2. K.D. Gour, Commentary on the Indian Penal Code, 1860, 10th Edn., Lexis Nexis, 2022
3. T. Bhattacharya, The Indian Penal Code, 1860, 1st Edn., Central Law Agency, 2021
4. K.D. Gaur, The Indian Penal Code, 1860, Genric Publications, 2020
5. S. C. Sarkar, Sarkar's Commentary on the Indian Penal Code, 1860, 8th Edn., Book Publication, 2023
6. S. N. Mishra, Indian Penal Code, 1860, Central Law Publication, 2018
7. Batuk Lal, Commentary on the Indian Penal Code, 1860, Thomson Reuters, 2015

Problem Based Illustrations

1. Amar intended to murder Bhanu his enemy, he buys a knife for that purpose, but Amar is arrested. Is he guilty of preparation to commit murder, give reasons?
2. Dheeraj was cutting indecent jokes with Bimla wife of Mohan which led to a quarrel Chirag who was unconcerned try to intervene. Two companions of Dheeraj gave beating to Chirag, then Dhiraj gave a knife blow on the chest of Chirag which proved fatal. What offenses are committed by Dhiraj and his two companions?
3. John and Harish sworn enemies of each other had been swept away by flood in the region. To prevent himself from drowning John clung to a plank of wood at that time Harish who was also being carried away by water tried to save himself by holding on the same plank of wood. John pushed Harish away thereafter Harish requested John to allow him to hold on when he was in on the plank but he refused. Harish was

drowning in the water and was on the verge of dying when he was miraculously rescued by a noble man later Harish prosecuted John for attempt to murder. Will John be liable under the Indian Penal Code give reasons for your answer citing relevant cases wherever required?

4. Bithamal disposes Ram Lal from his land 30 years back and is in settled possession since then he gets the information that Ramlal is coming to that place with armed man to get back the possession of the land and would reach the site within half an hour. On getting this information Bithamal gathers seven of his friends immediately who are armed and prepared to resist Ramlal forcibly thus this assembly of Bithamal's friends amount to unlawful assembly decide? 5. 'X' Times a leading English daily prints an article aimed at creating hatred and enmity between two groups of people that is a capitalist and a labor class. The article reads "B and the Chief Minister of the state who were good friends have conspired together and acquired 100 acre of fertile land belonging to the local farmers for special economic zone to persuade and coerce the farmers not to challenge the acquisition we got to burnt the houses of the farmers and their standing crops through his henchman the promises of B that he will employ the local youth is also false base getting youth trained from the constituency of the Chief Minister who would be employed in the various industries to come up in the special economic John area" Can the reporter editor printer and publisher of the X Times be charged for offenses under section 153 A, IPC give reasons?
5. A put jewels into a box belonging to Z with the intention that they may be founded in that box and that this circumstances may cause Z to be convicted of theft. Decide what offence A has committed?
6. Kumar inflicted as many as 20 injuries on the body of Mahesh with a 'Gandhasa' (an instrument used in villages for cutting fodder and four animals) wrecking vengeance for the enmity between their families none of the injuries was singly fatal in itself but as a cumulative result of multiple fractures and the loss of blood death of Mahesh ensued. Critically examined with help of case laws, the offenses committed by Kumar under the relevant provisions of the Indian Penal Code.
7. A girl below 18 year old age was in the keeping of her mother. Her father lived separately. B by deceitful means took A and kept her with him. Is he guilty of kidnapping?
8. A armed with a pistol breaks into a house at midnight to commit robbery B stand guard at the door to facilitate the robbery. The house inmates are awakened by commotion and resist the robbery and in the process A kills one of the house inmates. A was held liable for the murder. Decide the liability of B, decide with help of relevant legal provisions and case laws.
9. A sarcastically says "Z is an honest man he never stole B,s watch" by these words, A intended to cause it to be believed that it was Z who stole the watch of B. what offense if any committed by A.
10. A blacksmith is seized by a gang of dacoits and forced by threat of instant death to take his tools and to force the door of B's house. The dacoits ten in number loot B's money and jewellery and killed B's son. For which offence A is guilty of?
11. Y picks X pocket. Next day X while buying Paan near his office finds Y paying money from X's purse. X catches hold of Y and tries to take back his purse. Y resists. X

twisted Y's arm with such force that it is broken. X is charged with causing hurt to Y.

12. The relative of a woman subjects the woman to mental cruelty, which is of such a nature as is likely to drive the woman to commit suicide. However, the woman has no case that there was any sort of harassment with a view to coercing her or any person related to her to meet any unlawful demand for property or valuable security. Will the offence under Section 498A IPC be attracted? Explain
13. The watch of X had been stolen. One day he finds it tied on the wrist of Y. Explain whether X's right of private defence of property revives as soon as he sees his watch in Y's possession and can recover the watch from Y even by use of force or X's right of private defence of property had come to an end?
14. Suddenly a fight began between A, B (accused persons) and C (informant). In such sudden fight, A caused simple hurt to C whereas B caused grievous hurt to C. Will A and B both be guilty of causing grievous hurt to C in view of the provision made in Section 34, LP.C.?

B.A. LL.B.(HONS.) 5 YEAR PROGRAMME SIXTH SEMESTER

LL.B (Hons)-3 year Course-3rd semester

BBA.LL.B (Hons)-5 year Course- 6th semester 2024-25

Law of Crimes-II

- CO1. To elucidate the powers of courts, and provision relating to the arrest of persons and the role of police officers.**
- CO2. To differentiate between summons and warrants, cognizable and non-cognizable offences, and the rules governing proclamations and attachments.**
- CO3. To familiarize students with procedure related to bail, maintenance, filing of FIRs, charge and trial.**
- CO4. To explore concepts such as plea bargaining, judgment, appeals, and the provisions relating to probation of offenders.**
- CO5. To develop the understanding of students in the Bharatiya Nagarik Suraksha Sanhita(BNSS) with the help of problem-based illustrations.**

Learning Outcomes:

- LO1.** Students will be able to comprehensively explain the powers of courts, the provisions related to the arrest of persons, the role of police officers, and their relations in the criminal justice system.
- LO2.** Students will be able to differentiating between summons and warrants, distinguishing cognizable and non-cognizable offences, and interpreting rules governing proclamations and attachments.
- LO3.** Students will gain a complete knowledge of criminal procedure, encompassing bail procedures, maintenance, filing of FIRs, and the process of charge and trial.
- LO4.** Students will develop a holistic understanding of the criminal justice system by exploring concepts such as plea bargaining, judgment, appeals, and provisions relating to the probation of offenders.
- LO5.** Students will achieve a comprehensive knowledge of the Bharatiya Nagarik Suraksha Sanhita(BNSS) and its practical application through problem-based illustrations.

MM: 80

Time: 3 hours

NOTE FOR EXAMINER/PAPER SETTER

The question paper will be divided into Two Sections (sections A & B), Section A of the Question Paper will contain 2 questions respectively from Unit-1 to Unit-4 of the syllabus. The students will be required to attempt one question from each Unit. Section B will be compulsory and shall contain 8 short answer type questions of 3 marks each (without any choice) covering the entire syllabus. The examiner will be free to set the questions on problem-based case laws.

NOTE FOR STUDENTS(ON QUESTION PAPER)

Attempt four questions from Units 1 to 4, selecting at least one question from each Unit. These questions shall carry 14 marks each. Section B is compulsory and each question in this section shall carry 3 marks.

UNIT-I: Arrest, Summons & Warrants, Types of Offences and Bail

- Definitions (Section 2), Constitution of Criminal Courts and Offices (Section 6-20)
- Power of Courts & Police Officers (Section 21-34 & 362-364)
- Arrest of Persons (Section 35-62)
- Processes to Compel Appearance: Summons and Warrants (Section 63-83)
- Cognizable and non-cognizable offences, Bailable and non-bailable offences, compoundable and non-compoundable offences (Schedule I)
- Rules regarding Proclamation and attachment (Section 84-89)
- Bail and Bonds (Section 478-496)

Recommended Cases:

- 1) **Sunil Kumar v. State of U.P., (2021) 5 SCC 560**
- 2) **Social Action Forum for Manav Adhikar v. Union of India, (2018) 10 SCC 443, with Arnesh Kumar v. State of Bihar and Another AIR (2014) 8 SCC 273.**
- 3) **PUCL v. State of Maharashtra CDJ 2014 SC 831, 2014 AIR(SCW) 5940.**
- 4) **Satender Kumar Antil v. CBI, (2021) 10 SCC 773.**
- 5) **M. Ravindran v. Intelligence Officer Directorate of Revenue Intelligence, AIR 2020 SC 5245; AIR Online 2020 SC 785.**
- 6) **Sushila Aggarwal v. State of NCT of Delhi, (2020) SCC Online SC 98.**
- 7) **Pradip Sahu v. State of Assam, (2024) 4 SCC 448.**
- 8) **Himanshu Sharma v. State of M.P., (2024) 4 SCC 222.**

UNIT-II: Maintenance, FIR and Compliant

- Maintenance of wives, children and parents (Section 144-147)
- Information to the Police and their powers to Investigate (Section 173-196)
- Jurisdiction of Criminal Courts (Section 197-209)
- Conditions Requisite for Initiation of Proceedings (Section 210-222)
- Complaints to Magistrates and Commencement of Proceedings (Section 223-233)

Recommended Cases:

- 1) **Shayara Bano v. Union of India (2017) 9 SCC 1**
- 2) **Rajnish v. Neha and ors. MANU/SC/0833/2020; (2021) 2 SCC 334**
- 3) **Amish Devgan v. Union of India, (2021) 1 SCC 1**

- 4) **Manoharan v. State, (2020) 7 SCC 722**
- 5) **Rupali Devi v. State of Uttar Pradesh, (2019) 5 SCC 384.**
- 6) **Samta Naidu v. State of M.P., (2020) 5 SCC 378**

UNIT-III: Charge, Trial, and Plea Bargaining

- Charge (Section 234-247)
- Trial:
 - i. Before a Court of Session (Section 248-260)
 - ii. Trial of Warrant cases by Magistrates (Section 261-273)
 - iii. Trial of Summons Cases by Magistrate (Section 274-282)
 - iv. Summary Trials (Section 283-288)
- Plea Bargaining (Section 289-300)
- Pleas of Autrefois Acquit and Autrefois Convict (Section 337)

Recommended Cases:

- 1) **State of Rajasthan v. Ashok Kumar Kashyap, (2021) 11 SCC 191**
- 2) **M.E. Shivalingamurthy v. C.B.I., (2020) 2 SCC 768**
- 3) **Shatrughan Baban Meshram v. State of Maharashtra, (2021) 1 SCC 596**
- 4) **State of Jharkhand v. Lalu Prasad Yadav (2017) 8 SCC 1**
- 5) **IN RE: Policy Strategy for Grant of Bail Suo motu, 2023 SCC Online SC 483**

UNIT-IV: Judgement, Appeal and Probation of Offender

- Judgement (Section 392-406)
- Submission of Death Sentence for Confirmation (Section 407-412)
- Appeals (Section 413-435)
- Reference and Revision (Section 436-445)
- Transfer of criminal Cases (Section 446-452)
- Limitation for taking cognizance of Certain Offences (Section 513-519)
- The Probation of Offenders Act 1958, Section (1-5 and 12-14)

Recommended Cases:

- 1) **Brijesh Singh v. State of U.P., (2021) 10 SCC 405**
- 2) **R. Kalai Selvi v. Bheemappa, MANU/SC/0619/2021**
- 3) **Dinesh Mahajan v. Vishal Mahajan, MANU/SCOR/41016/2021**
- 4) **Raju Jagdish Paswan v. State of Maharashtra, 2019 SCC Online SC 543**
- 5) **Satish Chandra Yadav v. Union of India & Ors., 2022 SCC Online SC 1300**

BARE ACTS:

- The Bharatiya Nagarik Suraksha Sanhita, 2023
- The Probation of Offenders Act 1958

Law Commission Reports

- Fourteenth Report (1958) of the Law Commission of India on the Reform of Judicial Administration
- Thirty-Seventh Report (1967) of the Law Commission of India on the Code of Criminal Procedure, 1898
- Forty-First Report (1969) of the Law Commission of India on the Code of Criminal Procedure, 1898
- Two Hundred Sixty Eighth Report (2017) of the Law Commission of India on the Code of Criminal Procedure, 1973

BOOKS RECOMMENDED

- K. N. Chandrasekhar Pillai, *Criminal Procedure* (Eastern Book Company, Lucknow, 7th Ed. 2021 reprint in 2023)
- N. V. Paranjape, *The Code of Criminal Procedure*, (Central Law Agency, Allahabad, 8th Ed. 2022)
- Mulla, *Commentary on the Code of Criminal Procedure, 1973 (In 3 Volumes)*, (Delhi Law House, Delhi, 21st Ed. 2022)
- C. K. Thakker 'Takwani' & M.C. Thakker, *Criminal Procedure* (Lexis Nexis, New Delhi, 5th Ed. 2021)
- Ratan Lal & Dhirajlal, *The Code of Criminal Procedure*, (Lexis Nexis, New Delhi, 23rd Ed. 2019)

***Students are advised to study the latest edition of the Books and Bare Acts with amendments.**

Problem-based Illustrations:

1. John is accused of a cognizable offence, and the police arrested him without a warrant. He claims that his arrest is unlawful. Explain the legal provisions and safeguards that determine the legality of John's arrest.
2. Maria has been arrested for a non-bailable offence, and her bail application has been rejected by the court. She seeks your advice on what steps to take next. Explain the options available to Maria.
3. A magistrate issues a warrant against Raj for failing to appear in court as a witness. Raj argues that he had a valid reason for not appearing. Can he challenge the warrant, and if so, how?
4. Tina, a wife and mother of two children, is seeking maintenance from her estranged husband, Rakesh. Rakesh refuses to provide support. Explain the legal process and rights involved in Tina's claim for maintenance.
5. Emily approaches the police station to file an FIR, but the officer on duty refuses to register it, citing a lack of jurisdiction. Emily believes that her complaint is genuine. What legal steps can she take to ensure her complaint is registered?

6. In a criminal trial, the judge frames charges against the accused. The defence argues that the charges are vague and do not specify the exact offences committed. Analyse whether the charges should be re-framed and the legal principles involved.
7. Raju, an accused in a criminal case, wants to explore the option of plea bargaining to reduce his sentence. Explain the procedure involved and the potential benefits and drawbacks of plea bargaining for Raju.
8. After being convicted in a trial court, Alok decides to appeal his case. Describe the steps involved in the appeal process, including the grounds on which Alok can appeal.
9. The court has awarded a death sentence to a convicted murderer. Explain the legal process that the court follows for the submission and confirmation of a death sentence.
10. Emma, a first-time offender, has been given probation under the Probation of Offenders Act. She is unsure about the conditions and obligations attached to her probation. Explain the provisions of the Act and what Emma must comply with during her probation period.

B.A. LL.B.(HONS.) 5 YEAR PROGRAMME EIGHTH SEMESTER

LL.B (Hons)-3 year Course-4th semester

BBA.LL.B (Hons)-5 year Course- 8th semester 2024-25

Law of Evidence

Course Objectives:

- CO1. To develop a comprehensive understanding of the foundational concepts of evidence law, including the nature, scope, and objectives of evidence as delineated in Bharatiya Sakshya Adhinyam 2023, particularly through a detailed examination of the interpretation clause, enabling them to grasp the fundamental principles that underpin the admissibility and relevancy of evidence in legal proceedings.**
- CO2. To grasp the intricacies of the legal framework surrounding admission and confession, dying declaration, expert opinion, and evidence regarding character as outlined in Bharatiya Sakshya Adhinyam 2023.**
- CO3. To comprehend the legal parameters governing the exclusion of hearsay evidence, documentary evidence (both primary and secondary), and the authentication of documents including their execution and attestation under Bharatiya Sakshya Adhinyam 2023.**
- CO4. To gain a comprehensive understanding of the intricate legal components covering the Burden of Proof, Estoppel, privileged communication, accomplice testimony, and the procedural intricacies of witness examination, including examination-in-chief, cross-examination, and re-examination, as specified in Bharatiya Sakshya Adhinyam 2023.**
- CO5. To develop the understanding of students in the Bharatiya Sakshya Adhinyam 2023 (BSA, 2023) with the help of problem-based illustrations and comparison with the Indian Evidence Act, 1872.**

Learning Outcomes:

- LO1. Students will be able to demonstrate a comprehensive understanding of the foundational concepts of evidence law, including the nature, scope, and objectives of evidence as outlined in Bharatiya Sakshya Adhinyam 2023 and to analyze the interpretation clause in detail to discern the fundamental principles governing evidence admissibility and relevancy in legal proceedings.**
- LO2. Students will gain insight into the intricate legal framework regulating admission and confession, dying declaration, expert opinion, and evidence concerning character as stipulated in Bharatiya Sakshya Adhinyam 2023.**
- LO3. Students will develop an understanding of the legal standards governing the exclusion of hearsay evidence, primary and secondary documentary evidence, and the authentication of documents, including their execution and attestation under Bharatiya Sakshya Adhinyam 2023.**
- LO4. Students will achieve a comprehensive understanding of the complex legal elements surrounding the Burden of Proof, Estoppel, privileged communication, accomplice testimony, and the procedural nuances of witness examination, which comprise examination-in-chief, cross-examination, and re-examination, as outlined in Bharatiya Sakshya Adhinyam 2023.**

LO5. Students will achieve a comprehensive knowledge of the Bharatiya Sakshya Adhiniyam 2023 (BSA, 2023) and its practical application through problem-based illustrations.

MM: 80

Time: 3 hours

NOTE FOR EXAMINER/PAPER SETTER

The question paper will be divided into Two Sections (sections A & B), Section A of the Question Paper will contain 2 questions respectively from Unit-1 to Unit-4 of the syllabus. The students will be required to attempt one question from each Unit. Section B will be compulsory and shall contain 8 short answer type questions of 3 marks each (without any choice) covering the entire syllabus. The examiner will be free to set the questions on problem-based case laws.

NOTE FOR STUDENTS (ON QUESTION PAPER)

Attempt four questions from Units 1 to 4, selecting at least one question from each Unit. These questions shall carry 14 marks each. Section B is compulsory and each question in this section shall carry 3 marks.

UNIT-I: Evidence, Admissibility, Relevancy

- Nature, Scope and Object of Evidence, Interpretation Clause (Section 2)
- Admissibility of fact and Evidence, Logical and Legal Relevancy (Section 3 to be read with Section 168 Proviso 1, Section 141, Section 107); Presumption (Fact, Law and Conclusive Proof)
- Res Gestae (Section 4); Occasion, Cause, Effect, State of Things, Opportunity along with the theory of Last seen together (Section 5); Motive, Preparation, and Conduct (Section 6)
- Identification of Things and Person (Test Identification Parade) (Section 7); Relation of Parties (Section 7 to be read with Section 44 and Section 116)
- Alibi (Section 9); Relevancy of State of Mind, Body, Bodily feelings (Section 12) and Similar Occurrence (Section 13)

1) Arvind Kumar vs. State of NCT, Delhi (MANU/SC/0772/2023)

2) Mukesh Singh vs. The State (NCT of Delhi) (MANU/SC/0929/2023) and Rajesh @ Sarkari vs. The State of Haryana (AIR2020SC5561)

3) Aparna Ajinkya Firodia v. Ajinkya Arun Firodia (MANU/SC/0148/2023)

4) Inayath Ali & Anr. vs. State of Telengana & Anr. (MANU/SC/1538/2022)

5) Kamal Prasad & Ors vs. The State of Madhya Pradesh (AIR2023SC4979)

UNIT-II: Admission, Confession, Dying Declaration, Expert Opinion, Evidence as to Character

- Admission and Confession: Meaning, Relevancy, Admissibility, Discovery, Confession of Co-accused (Section 15-25)
- Dying Declaration (Section 26)
- Expert Opinion (Section 39-45)

- Evidence as to Character (Section 46-50 to be read with Section 10)
- Facts which shall not be proved and Facts which need not be proved.

Recommended Cases:

- 1) **Rajesh vs. State of MP (MANU/SCOR/124900/2022)**
- 2) **Jafarudheen and others vs. State of Kerala (2022 SCC 8 440)**
- 3) **Rajendra vs. State of Maharashtra (MANU/SC/0429/2024)**
- 4) **Abhishek Sharma vs. State(Govt of NCT of Delhi) (AIR2023SC5271)**
- 5) **Manorama Naik vs. State of Odisha (MANU/SCOR/18993/2022)**
- 6) **Juman and Another vs. State of Bihar (2017 SCC 11 85)**

UNIT-III:

- Exclusion of Hearsay Evidence (Section 55)
- Documentary Evidence (Primary and Secondary Evidence) (Section 56-63)
- Proof as to the genuineness of the document i.e., Execution and Attestation (Section 67-73)
- Public Document and Private Document (Section 74-77)
- Exclusion of Oral Evidence by Documentary Evidence (Section 94-103)

Recommended Cases:

- 1) **Babu Sahebagouda Rudragoudar vs. The State Of Karnataka, [(2024) 5 S.C.R. 174 and MANU/SC/0329/2024]**
- 2) **Ravinder Singh @ Kaku vs. State of Punjab (AIR 2022 SC 2726)**
- 3) **Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal (AIR 2020 SC 4908)**
- 4) **Sundar vs. State by Inspector of Police (MANU/SC/0282/2023)**
- 5) **Navinchandra Somchand, Died Through His Heirs & 1 other(s) vs. Heirs of Somchand Bechardas & 6 other(s) [2022 (LiveLaw (Guj) 270)]**

UNIT-IV: Burden of Proof, Estoppel, Witnesses, Privileged Communication, Examination of Witness a

- Burden of Proof (Section 104-120)
- Estoppel: Meaning, Scope and Principles Governing Doctrine of Estoppel (Section 121-123)
- Who may testify (Section 124) and witness unable to communicate verbally (Section 125)
- Privileged Communication (Section 126-136)
- Accomplice (Section 138)
- Examination of Witness: Examination-in-chief, Cross-Examination, Re-examination (Section 140-167)

Recommended Cases:

- 1) **Baini Prasad (D) Thr. LRs. vs. Durga Devi (AIR2023SC894)**
- 2) **Shriram Chits (India) Private Limited vs. Raghachand Associates (MANU/SC/0418/2024)**
- 3) **Maya Gopinathan vs. Anoop S.B. and Ors. (MANU/SC/0339/2024)**

- 4) **State of Himachal Pradesh vs. Raghbir Singh and Ors. (MANU/SC/0430/2024)**
- 5) **Rajesh Kumar vs. Anand Kumar and Ors. (MANU/SC/0459/2024)**

BARE ACTS:

- Bharatiya Sakshya Adhinyam, 2023

Law Commission Reports

- 69th Report (1977) of Law Commission of India on The Indian Evidence Act, 1872
- 74th Report (1978) of Law Commission of India on Proposal to amend the Indian Evidence Act, 1872 so as to render Admissible certain statements made by witnesses before Commission of Inquiry and other statutory authorities
- 88th Report (1983) of Law Commission of India on Governmental Privilege in Evidence: Sections 123-124 and 162, Indian Evidence Act, 1872 and Articles 74 and 163 of the Constitution
- 91st Report (1983) of Law Commission of India on Dowry deaths and law reform: Amending the Hindu Marriage Act, 1955, the Indian Penal Code, 1860 and the Indian Evidence Act, 1872
- 113th Report (1985) of Law Commission of India on Injuries In Police Custody
- 152nd Report (1994) of Law Commission of India on Custodial Crimes
- 178th Report (2001) of Law Commission of India on Recommendations for amending various enactments, both civil and criminal
- 185th Report of the Law Commission of India (2003) on Review of the Indian Evidence Act, 1872
- 273rd Report of the Law Commission of India (2017) on Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation

BOOKS RECOMMENDED

- Wagh, S.S. 'Basic Law of Evidence The Bharatiya Sakshya Adhinyam. 2023 (Vinod Publications (P) Ltd. 3rd Ed. 2024)
- Kansal, Saurabh and Deswal, Vageshwari 'Bharatiya Sakshya Adhinyam, 2023 Law & Practice' (Taxmann's First Ed. 2024)
- Chandran, Sharath Concise Commentary on The Bharatiya Sakshya Adhinyam, 2023' (Lexis Nexis Publications First Ed. 2023)
- Sarthi, V.P. 'Law of Evidence' (EBC Explorer Eighth Ed. 2023)
- Singh, Avtar 'Principles of Law of Evidence' (Central Law Publication 24th Ed. 2023)
- Lal, Batuk 'Law of Evidence' (Central Law Agency 24th Ed. 2023)
- Ratanlal & Dhirajlal 'The Law of Evidence' (Lexis Nexis 27th Ed. 2019)

***Students are advised to study the latest edition of the Bare Acts with amendments.**

Problem-based Illustrations:

- i. Babu Lal and Rajiv are jointly on their trial for the murder of one Jitesh. During the trial, it is proved that Rajiv said, "Babu Lal and I killed Jitesh". One Rakesh who is known as a friend of Babu Lal, also said during the trial that "Babu Lal, Rajiv and I killed Jitesh". There is also

evidence to show that Rakesh too was involved in the murder. State whether the statements made by Rajiv and Rakesh can be taken into consideration against Babu Lal and also against Rajiv and Rakesh themselves.

- ii. Ratan was murdered in open daylight in his jewellery shop in the College Road of Faridpur Town. One Praful was alleged to have committed the murder. During the trial of Praful in the aforesaid murder case, the prosecution produced, among others, Sanjiv as a witness who deposed that at the time of the incident, he was going through the College Road on his by-cycle and when he saw a gathering of people in front of the jewellery shop of Ratan, he enquired from one Babin who was present there and is also known to him as to what has happened. Then Babin informed Sanjiv that just a few minutes ago Praful has murdered Ratan and ran away thereafter. State whether the statement of Sanjiv is admissible as a piece of evidence against Praful. Give reasons supporting your answer.
- iii. Naveen is accused of defaming Abhinav by publishing a statement. Is the fact that on a previous occasion also Naveen defamed Romil by publishing a defamatory statement relevant?
- iv. Surya, an accused of an offence of murder stated before a police officer that, "the knife by which I killed Rohit has been hidden by me in the field, which I can show." On this information, the police officer discovers the said knife from the field, on which human blood is detected. Is the statement given by the accused admissible in evidence? Whether any part of such a statement is admissible in evidence? Give reasons supporting your answer.
- v. Gaurav gives his house on lease to Anand on 3-7-2021 by a written and registered lease deed comprising its terms. The lease deed was in possession of Anand. After a few months, Anand stopped paying rent to Gaurav. Thereafter Gaurav filed a suit for arrears of rent and for ejection. Gaurav alleges that the tenancy was from month to month and that the rent was fixed at Rs. 3200 per month. On the other hand, Anand contends that the tenancy ran from year to year and the rent was settled between the parties to be Rs. 20,000 per year. During the proceeding, Anand said that the original lease deed which was in his possession is lost. Whether oral evidence as to the contents of the lease deed will be admissible in the instant case? Whether any other evidence as to the contents of the lease deed is necessary to produce for proving the contentions?
- vi. Siddhu was facing his trial on the charge of murdering one Krishna Redhu. The prosecution produced one Gopal as one of the witnesses who deposed that he saw Siddhu running away from the place of occurrence with a blood-stained sword in his hand and there were also spots of blood in the clothes of Siddhu. The defence counsel suspected that Gopal was lying, because he knew Gopal to be a dishonest person and that he was removed from the job on the ground of dishonesty. Therefore, during the cross-examination of the said Gopal, the defence Counsel in order to nullify the credibility of the evidence given by Gopal, puts to him a question whether he was not removed from his job for dishonesty. In reply, Gopal denied it. The Defence Counsel then proceeds to show evidence that he is so dismissed. State, whether such evidence will be admissible in order to prove Gopal as a liar and dishonest man and thereby reduce the credibility of the evidence given by him. Support your answer with the appropriate provision of law.
- vii. Ankur married Shilpa on 12-1-2022. After about 5 months of their marriage on 25-6-2022, Shilpa gave birth to a child. Who is legally the father of the child?
- viii. Anant, a client says to Jasmine, an Advocate, that he has committed rape on a girl named Rakhi and wishes to be defended by her. Jasmine says to Anant that he has committed the

most serious crime under IPC and in her view capital punishment should be awarded to a rapist and that she will give evidence against him. During trial Jasmine appears as witness to give evidence against Anant regarding commission of rape. Should the Court record Jasmine's evidence? Give reasons and also refer to relevant provisions, if any, under the Evidence Act.

- ix. Raghbir Prasad died leaving behind his widow Smt. Narayani. They had no children. Few months after the death of Raghbir Prasad, one Vineet files a suit against Smt. Narayani for declaration that he is the owner of half the property left by Raghbir Prasad being his adopted son. Smt. Narayani denies the factum of adoption. State on whom the onus of proof lies? Whether the onus lies on Smt. Narayani to show that Vineet was not adopted by Raghbir Prasad or whether the same lies on Vineet to show that he was so adopted by Raghbir Prasad? Support your answer with appropriate provisions of law.
- x. Under which provisions of the Evidence Act are the following fact relevant:
1. In a murder trial the prime accused pleads that on the date of the incident he was detained in maximum security prison under court order.
 2. In a murder trial, the post-mortem report the large intestines were more or less empty, which shows the murder was committed between 6 to 8 hours after the major meal.

