BLOGS

Solve the Questions based on New Pattern of CLAT PG

Harshita Gulati · 02 Nov 2021

Read the following passage and answer the questions on the general understanding of law and current affairs

PASSAGE

(Excerpted from the judgment of Padum Kumar vs The State Of Uttar Pradesh)

It was held by this Court in Ram Chandra v. State of U.P. AIR 1957 SC 381 that it is unsafe to treat expert handwriting opinion as sufficient basis for conviction, but it may be relied upon when supported by other items of internal and external evidence. This Court again pointed out in Ishwari Prasad Misra v. Mohd. Isa AIR 1963 SC 1728 that expert evidence of handwriting can never be conclusive because it is, after all, opinion evidence, and this view was reiterated in Shashi Kumar Banerjee v. Subodh Kumar Banerjee AIR 1964 SC 529 where it was pointed out by this Court that expert's evidence as to handwriting being opinion evidence can rarely, if ever, take the place of substantive evidence and before acting on such evidence, it would be desirable to consider whether it is corroborated either by clear direct evidence or by circumstantial evidence. This Court had again occasion to consider the evidentiary value of expert opinion in regard to handwriting in Fakhruddin v. State of M.P. AIR 1967 SC 1326 and it uttered a note of caution pointing out that it would be risky to found a conviction solely on the evidence of a handwriting expert and before acting upon such evidence, the court must always try to see whether it is corroborated by other evidence, direct or circumstantial." Expert testimony is made relevant by Section 45 of the Evidence Act and where the Court has to form an opinion upon a point as to identity of handwriting, the opinion of a person "specially skilled" "in questions as to identity of handwriting" is expressly made a relevant fact..... So, corroboration may not invariably be insisted upon before acting on the opinion of an handwriting expert and there need be no initial suspicion. But, on the facts of a particular case, a court may require corroboration of a varying degree. There can be no hard and fast rule, but nothing will justify the rejection of the opinion of an expert supported by unchallenged reasons on the sole ground that it is not corroborated. The

approach of a court while dealing with the opinion of a handwriting expert should be to proceed cautiously, probe the reasons for the opinion, consider all other relevant evidence and decide finally to accept or reject it." For the conviction under Section 467 IPC, the appellant has been sentenced to undergo imprisonment for four years and for the conviction under Section 468 IPC, the appellant has been sentenced to undergo imprisonment for three years along with fine of Rs.500/-. The occurrence was of the year 1992. As seen from the custody certificate, the appellant has been in custody from 04.07.2018 i.e. for a period of more than eighteen months. Considering that the occurrence was of the year 1992 and the facts and circumstances of the case, the sentence of imprisonment imposed upon the appellant is reduced to the period already undergone.



Questions

A. In which of the following cases the evidence given by the witness will NOT be relevant under section 33 of the Indian Evidence Act, 1872?

a. When the witness is staying abroad

b. When the witness is dead

c. When witness cannot be found

d. When the witness is in coma

Ans. a

B. 'B', an accused wants to submit carbon copy of the suicide note as secondary evidence. The original is with the opposite party and he has failed to produce the same. The suicide was not within the knowledge of the accused prior to the receipt of carbon copy. Which of the following statements will hold true for the case?

a. The evidence cannot be admitted due to applicability of section 30 of the Indian Evidence Act

b. The evidence cannot be admitted because it fails to satisfy the requirements of section 64 of the Indian Evidence Act, 1872

c. The evidence cannot be admitted because it fails to satisfy the requirements of section 65 of the Indian Evidence Act, 1872

d. The evidence can be admitted as it satisfies the requirements of both section 64 and section 65 of the Indian Evidence Act, 1872

Ans. d

C. The judgement given in the passage has been pronounced by a bench of ____ judges?

a. One

b. Two

c. Three

d. Five

Ans. c

D. A creditor invited the debtor to make proposals for paying the debt. The debtor's agent wrote letters to the creditor acknowledging the debt and offering to pay a smaller amount. The creditor brought proceedings for recovery of debt and relied on the letters to defeat the defence of limitation. The letters-

a. Will not be admissible as evidence as protection of section 23 of the Indian Evidence Act, 1872 will apply

b. Will be admissible as evidence under section 22 of the Indian Evidence Act, 1872

c. Will be admissible as evidence and protection of section 23 of the Indian Evidence Act, 1872 will not apply

d. Will not be admissible as evidence as protection of section 22 of the Indian Evidence Act, 1872 will apply

Ans. c

E. A village policeman arrested B leaving him in charge of certain villagers and went to see the crime scene, during this interval the accused confessed his guilt to those villagers. The confession by B-

a. Is not admissible as it is extra-judicial in nature

b. Is admissible even though it is extra-judicial in nature because it was made to the villagers who were deputed by the police officer

c. Is not admissible as it was made while in custody of the police officer

d. Is admissible because at the time of making the confession B was not under the custody of the police officer

Ans. c

F. Indian Evidence Act was drafted by:

a. Lord Macaulay

b. Sir James F. Stephen

c. Huxley

d. Sir Henry Summer Maine

Ans. b

G. Independent witnesses turning disloyal to the prosecution is not a novel phenomenon. Courts are not unfamiliar with such dishonest persons who are prepared to mortgage their conscience with a view to salvage their fellow trader. Courts may often come across such witnesses who turn out to be cunning performers in the witness box. The hostility exhibited by such witnessed cannot throw overboard a prosecution which is otherwise true and genuine. In which of the following cases it was held that if testimony of the official witnesses is blemishless and free from suspicion and inspires confidence, the hostility shown by ill-motivated independent witnesses is of no consequence?

a. State of Karnataka v. Richard, 2008

b. Abdul Rasheed v. State of Kerala, 2008

c. Hazari Lai v. State, AIR 1980

d. Toorpati Majsaiah v. State of A.P., 2005

Ans. b

H. Expert testimony is made relevant by Section 45 of the Evidence Act and where the Court has to form an opinion upon a point as to identity of handwriting, the opinion of a person “specially skilled” “in questions as to identity of handwriting” is expressly made a relevant fact. What is the nature of such evidence?

a. Conclusive

b. Corroborative

c. Irrelevant

d. Inadmissible

Ans. b

I. The maxim “Acta in uno judicio non probant in alio nisi inter easdem personas ” means:

a. Things done in one action cannot be taken as evidence in another, unless it is not between the same parties

b. Things done in one action cannot be taken as evidence in another, unless it is between the same parties

c. Things done in one action can be taken as evidence in another, unless it is between the same parties

d. None of them

Ans. b

J. The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that is forged. Applying Section 21, Indian Evidence Act, which of the following is possible?

a. A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged

b. A cannot prove a statement by himself that the deed is genuine nor can B prove a statement by himself that the deed is forged

c. Either (A) or (B)

d. None of them

Ans. c

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