

**FIFTH SEMESTER LL.B. UNITARY [THREE YEAR] DEGREE (REGULAR/  
SUPPLEMENTARY) EXAMINATION, APRIL 2021**

LL.B.

OP 05—BANKING LAW (INCLUDING NI ACT)

(2015 Scheme)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.  
Each question carries 6 marks.*

1. Define indorsement.
2. Discuss the functions of IDBI.
3. Examine the disadvantages of Overdraft.
4. Examine the meaning of a Banking Company.
5. Write on the advantages of ATM.
6. Discuss about the effect of material alteration of NI.
7. What are the principles of lending?
8. Write on Noting under NI Act.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.  
Each question carries 10 marks.*

1. The cheque book of Firosh was stolen by his Assistant Giri who had forged the signature of Firosh and presented the cheque before the paying banker. The paying banker pays the cheque in due course. Discuss whether the paying banker is liable.
2. Discuss whether an instrument containing the statement “I acknowledge myself to be indebted to B Rs. 1,000, to be paid on demand, for value received.” is a promissory note.
3. A has two accounts in a bank. In the savings bank account, he has a credit balance of Rs.500/-. In the current account, he has an overdraft of Rs. 1,000/-. Can the banker exercise general lien on SB account for the amount due on current account.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any **two** questions.  
Each question carries 12.5 marks.*

1. Write on the recovery procedure under SARFAESI Act.
2. Discuss about Banking Ombudsman Scheme.
3. Examine the rights of a banker.

(2 × 12.5 = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FIFTH SEMESTER LL.B. (UNITARY) (THREE YEAR) [REGULAR/  
SUPPLEMENTARY] DEGREE EXAMINATION, APRIL 2021**

LL.B.

OP 04—INTELLECTUAL PROPERTY LAW

(2015 Scheme)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any **five** questions.*

*Each question carries 6 marks.*

1. Write about Registered Design.
2. Discuss about Well Known trademark.
3. Analyse rights protected under Copyright.
4. Discuss Provisional Specification in filing Patent.
5. Distinguish between Tangible and Intangible Property.
6. Explain the rights of patentee.
7. Distinguish between Trademark and Property mark.
8. Discuss the rights of Copyright holder.

(5 × 6 = 30 marks)

**Part B**

*Answer any **two** questions.*

*Each question carries 10 marks.*

1. A Nephrologist finds out a new mode for treating Kidney failures without the lengthy and tiresome process of Dialysis. The Nephrologist wants to get for patent of the same. Is it allowed under Indian law ?
2. Ram Singh, a scientist obtained patent over a new process, but not making it available to the public. Another scientist, Prabhu Sinha is willing to work on it. What remedy is available to Prabhu Sinha ?

**Turn over**

3. Registered owners of 'Good Day' Biscuits objects to the registration of 'Gud Day' for same products made by another trader apprehending that this may create confusion among the customers. Discuss.

(2 × 10 = 20 marks)

### Part C

*Answer any two questions.*

*Each question carries 12½ marks*

1. Discuss about WIPO and write on the functions of WIPO.
2. Why it is stated often that there is no 'Copyright' for ideas.
3. Briefly explain the legal protection of Geographical Indications in India.

(2 × 12½ = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FIFTH SEMESTER LL.B. UNITARY [THREE YEAR] DEGREE (REGULAR/  
SUPPLEMENTARY) EXAMINATION, APRIL 2021**

LL.B.

CP 22—LAW OF DIRECT TAXATION

(2015 Scheme)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.  
Each question carries 6 marks.*

1. Explain Previous year and Assessment year.
2. Define 'Assessee' under the Wealth Tax Act.
3. Explain clubbing of Income.
4. What is the incidence of tax in the case of a Resident and Ordinarily Resident Assessee ?
5. Explain Double Taxation Relief for Foreign income under the Income Tax Act, 1961.
6. What is meant by Revised return under The Income Tax Act, 1961 ?
7. Write a note on Progressive Taxation with suitable examples.
8. Examine the characteristics of Tax.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.  
Each question carries 10 marks.*

1. Income of A for the financial year 2018-19 is Rs. 1,00,000/-. He does not file the income tax return. During 2018-19, he has paid salary of Rs. 4,10,000/- to an employee. Due to ignorance of law A failed to deduct tax at source from the employee. Decide whether A is an assessee under The Income Tax Act, 1961.
2. Jaleel is an Indian citizen, who is appointed as a Taxation officer by the French Government, leaves India, for the first time, on September 26, 2019, for joining his duties in France. Determine the residential status of Jaleel for the assessment year 2020-21.
3. X retires from the Central Government service on March 31, 2019. He is entitled to get a pension of Rs.30,000/- per month. He commuted his 1/3 pension and received Rs. 10,00,000 on 1st April 2019. Calculate the amount of pension taxable for the Assessment year 2020-21.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any **two** questions.  
Each question carries 12½ marks.*

1. What are the different types of deemed assets under The Wealth Tax Act ?
2. Discuss the legal provisions governing taxation of income from house property in India.
3. Briefly analyse the Constitutional Provisions of Taxation in India.

(2 × 12½ = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FIFTH SEMESTER LL.B. DEGREE (UNITARY) (THREE YEAR) [REGULAR/  
SUPPLEMENTARY] EXAMINATION, APRIL 2021**

LL.B.

CP 21 LAW OF EVIDENCE

(2015 Scheme)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any **five** questions.*

*Each question carries 6 marks.*

1. Fact and Fact in issue.
2. Motive and Preparation.
3. Cross Examination.
4. Expert Opinion.
5. Admissibility of Electronics Record.
6. Conclusive Proof.
7. Relevancy of Judgments.
8. Proved, Disproved and Not Proved.

(5 × 6 = 30 marks)

**Part B**

*Answer any **two** questions.*

*Each question carries 10 marks.*

1. X suffered 75 % burnt injury. Before reaching hospital, she stated to her mother that mother-in-law burnt her. Before doctor she repeated the same version. 6 hours after the incident she deposed before the Police that it was an attempt of suicide. She passed away 4 hours after that. Analyse her dying declaration.
2. Mr. Y made a confession before the Police officer that he killed his wife and kept blood stained knife under his Pillow. Analyse the statement of Y before Police.

**Turn over**

3. Mr. Z was prosecuted for travelling in Kochi Metro without ticket. Z contended that the burden of proving that he was travelling without ticket lies on the Metro Corporation. Decide.

(2 × 10 = 20 marks)

**Part C**

*Answer any two questions.*

*Each question carries 12½ mark.*

1. Dying declaration is an exemption to the Principle of Here-Say Evidence. Comment.
2. Facts though not in issue so connected with the fact in issue is relevant. Comment.
3. Explain the Examination of Witness under Indian Evidence Act.

(2 × 12½ = 25 marks)

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**FIFTH SEMESTER LL.B. UNITARY [THREE YEAR] DEGREE (REGULAR/  
SUPPLEMENTARY) EXAMINATION, APRIL 2021**

LL.B.

CP 20—COMPANY LAW

(2015 Scheme)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.  
Each question carries 6 marks.*

1. What is the constitution, functions and procedures of The National Company Law Tribunal ?
2. What is meant by Red herring Prospectus ?
3. What is meant by Limited Liability ? In a Limited Company, whose liability is limited ?
4. Explain the doctrine of Constructive Notice with the help of case laws.
5. Briefly state the duties and functions of Liquidator.
6. Write a note on the constitution and role of SEBI.
7. Explain Corporate Environmental Liability.
8. Define Private Company.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.  
Each question carries 10 marks.*

1. A company, which is incurring losses for the past five years, decides to give a dividend to its members. Due to the lack of finance, the company decides to pay the dividend from the capital. The payment of dividend is challenged. Decide.
2. Mr. X is the Director of a company which entered into a contract with ABC firm for purchase of some furniture. Mr. X is also the Managing partner of the ABC firm and the fact is not disclosed to the company. Decide the validity of the contract.
3. One member of a Company wants to file an application before the Company Law Tribunal for getting relief from oppression in the company. Advice.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two questions.  
Each question carries 12½ marks.*

1. Define Company. What are the different types of companies ?
2. What is the Rule in Foss v Harbottle ? Explain the exceptions to the Rule in Foss v Harbottle.
3. Examine the important disadvantages of a company with the help of decided case laws.

(2 × 12½ = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) SAY  
EXAMINATION, DECEMBER 2020**

LL.B. Unitary (Three Year)

OP 05—BANKING LAW (INCLUDING NI ACT)

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. Cash Reserve Ratio and Statutory Liquidity Ratio.
2. Debit Cards and Credit Cards.
3. Savings Bank Account and Current Account.
4. Role of Debt Recovery Tribunals in recovery of dues.
5. Impact of globalization in Indian Banking Sector.
6. Role of Regional Rural Banks in Agricultural and Rural Development.
7. Major Cyber threats in banking sector.
8. Letter of Credit.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. 'A' signs, as maker, a blank stamped paper and gives it to 'B', and authorises him to fill it as a note for Rs. 50,000 to secure an advance which 'C' is to make to 'B'. 'B' fraudulently fills it up as a note for Rs.1,00,000 payable to 'C', who has in good faith advanced Rs. 1,00,000. Decide, with reasons, whether 'C' is entitled to recover the amount, and if so, up to what extent ?
2. Mr. X is having a Housing loan with HFBC bank with an outstanding balance of Rs. 12.00 lakhs, Jewel loan with an outstanding balance of Rs.5.00 lakhs and Consumer loan with an outstanding

**Turn over**

balance of Rs. 50,000. The Housing loan and Jewel loan are repaying as per the installments/instructions. The payment of consumer loan was defaulted and was declared as Non-Performing Asset and the documents were already time barred. Mr. X approached the bank paid the entire Jewel loan amount and asked for redemption of jewels worth Rs. 7.00 lakhs. The bank replied that they are exercising their right of general lien on the pledged jewels for recovering the consumer loan and Housing loan. Mr. X wants to take action against the bank. Advise Mr. X ?

3. Mr. A has taken an Agricultural loan from KEBC bank for Rs. 8.00 lakhs by mortgaging 1 acre of his banana plantation and 10 cents of land with building. The account was declared as Non Performing Asset due to default in payment and the present outstanding in the account is Rs. 11.50 lakhs. The bank approached DRT and filed Application for recovery of the dues. Simultaneously the bank also initiated action under SARFAESI Act against the properties mortgaged with it. Discuss the validity of the actions taken by the bank.

(2 × 10 = 20 marks)

### Part C

*Answer any two questions.*

*Each question carries 12.5 marks.*

1. Banker Customer Relationship is a Fiduciary Relationship which is built upon the foundation of trust. Discuss.
2. What are Negotiable Instruments and what are the presumptions regarding Negotiable Instruments ?
3. Nationalization and Priority Sector Lending are the means for achieving socialistic pattern of society aimed by our constitution makers. Discuss.

(2 × 12.5 = 25 marks)

**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) SAY EXAMINATION  
DECEMBER 2020**

LL.B. Unitary (Three Year)

OP 04—INTELLECTUAL PROPERTY LAW

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. Discuss importance of protecting intellectual property.
2. Briefly explain the subject matter of copyright.
3. Analyze the different types of trademark.
4. Examine what acts would amount patent infringement.
5. Define "Design" under Designs Act.
6. Discuss about provisional specification in filing of patent.
7. Write on trade secret.
8. Write on relinquishment of copyright.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. An application was made to the Registrar for registration of trademark "Promise" for combs, brushes etc. Discuss whether the word "Promise" can be used as trademark.
2. A scientist applied for patent of a new process of manufacturing certain apparatus, which is useful for defence purposes. Discuss what the Controller would do.
3. A micro biologist discovered a new DNA sequence and claimed copyright over the same. Discuss.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two questions.*

*Each question carries 12½ marks.*

1. Discuss whether copyright is a bundle of rights. Give reasons.
2. Examine the infringement of trademark and the remedies.
3. Analyze the registration of patents in India.

(2 × 12½ = 25 marks)

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**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) SAY  
EXAMINATION, DECEMBER 2020**

LL.B. Unitary (Three Year)

CP 22—LAW OF DIRECT TAXATION

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five of the following questions.*

*Each question carries 6 marks.*

1. Explain different taxable entities.
2. Contingency fund of India.
3. Explain assessment and previous year.
4. Powers and composition of Finance Commission.
5. Explain provisions relating to diversion of income.
6. No taxation without representation. Explain.
7. Cannons of taxation.
8. Write a note on Capital gain.

(5 × 6 = 30 marks)

**Part B**

*Answer any two of the following questions.*

*Each question carries 10 marks.*

1. State whether the following incomes are taxable under I.T. Act :

- (i) Receipts by member of HUF.
- (ii) Rent free official residence provided for a Judge.
- (iii) Remuneration received by a foreign national while he served as diplomat.

**Turn over**

2. Instead of repayment of loan given to the company, Mr. Albert got certain shares of a company. He suffered loss while he sold these shares whether the loss can be deducted from the total income of the assessee. Decide.
3. In the return for the assessment year 2017-18, Mr. A claimed deduction from his income from salary of a sum paid by him to his ex-wife by way of alimony to her and maintenance expenses to their minor son. On 7<sup>th</sup> January 2018 by agreement with his employer, Mr. A has agreed to the creation of a first charge on his salary in favour of his ex-wife for the payment of monthly sum. What is the effect of this charge and the alimony payment on the taxable income in the hands Mr. A ?

(2 × 10 = 20 marks)

### Part C

*Answer any two of the following questions.*

*Each question carries 12½ marks.*

1. Discuss the revenue receipts which are not taxable.
2. What are tax free perquisites ?
3. What are the various heads of income under I.T. Act ?

(2 × 12½ = 25 marks)



**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) SAY EXAMINATION  
DECEMBER 2020**

LL.B. Unitary (Three Year)  
CP 21—LAW OF EVIDENCE  
(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.  
Each question carries 6 marks.*

1. Primary Evidence and Secondary Evidence.
2. Alibi.
3. Judicial Confession.
4. Res-Gestae.
5. Chief Examination and Leading Question.
6. Who may testify as witness ?
7. Opinion as to right of customs and usages.
8. Proved, Disproved, Not proved.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.  
Each question carries 10 marks.*

1. Mr. A is a leading criminal lawyer at Kottayam. Mr. B approached and disclosed to him that he murdered his wife and requested to save him. Advice A.
2. Mr. X is a witness who refused to take oath in the name of 'God' saying that God is not a fact within the definition of Evidence Act. Decide.
3. Miss Y is an illiterate prostitute. Prosecution case in that A cut the throat of Y after having sexual intercourse with her. During identification test Y could not speak as she lost her voice. Y with a positive facial expression indicated that A was the person who committed the offence. Soon after that she breathed her last. Decide the evidentiary value of her expression.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two questions.  
Each question carries 12½ marks.*

1. Explain the Law of Estoppel in Evidence Act.
2. Examine the principle of burden of proof originally inserted in Indian Evidence Act.
3. Explain the principle of Dying declaration in Indian Evidence Act.

(2 × 12½ = 25 marks)

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**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) SAY EXAMINATION  
DECEMBER 2020**

LL.B. Unitary (Three Year)

CP 20—COMPANY LAW

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. What are the different types of Charges a company can create on its assets ?
2. Examine the Doctrine of Constructive Notice with the help of case law.
3. What is Prospectus ? What are the different types of prospectus ?
4. What is the relevance of Corporate Social Responsibility under The Companies Act, 2013 ?
5. Explain the different methods of limiting the liability of a member of a Company.
6. Write a note on 'Debentures'.
7. Examine the role of SEBI in regulating companies.
8. Briefly examine the powers and functions of Auditors.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. Roy applied for 100 shares in a Company. The Secretary of the company fraudulently issued 100 shares to Roy and a new share certificate is issued. The company challenged the validity of the share certificate. Decide.
2. A contract was created by the promoters of the company before its incorporation. Examine whether the contract is binding on the company.
3. 'M' holds all the shares in a timber company except one. He insured the company's timber in his own name. The timber was destroyed by a fire. He claimed insurance amount from the insurance company. But the insurance company denied its liability. Decide.

(2 × 10 = 20 marks)

Turn over

**Part C**

*Answer any two questions.  
Each question carries 12½ marks.*

1. What are the important disadvantages of incorporating a company compared to other forms of business organisations ?
2. What is meant by Winding up of a Company ? Examine the process of winding up of a company.
3. Discuss the important changes introduced by The Companies Act, 2013 in the Indian Company Law.

(2 × 12½ = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
EXAMINATION, DECEMBER 2021**

LL.B. Unitary

OP 05—BANKING LAW (INCLUDING NI ACT)

(2015 Syllabus year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.  
Each question carries 6 marks.*

1. Examine the importance of nomination in bank accounts ?
2. Examine the role of Co-operative banks ?
3. Explain the Presumptions regarding Negotiable Instruments ?
4. What are the precautions to be taken by banker in accounts of Companies ?
5. What are the different types of bills of exchange ?
6. Examine the significance of survivorship clause in deposit accounts ?
7. Examine the quantitative methods of RBI for credit control ?
8. Explain the role of Debt Recovery Tribunal in recovery of dues ?

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.  
Each question carries 10 marks*

1. Examine the validity of a promissory note executed by Mr Rajesh who is now 21 years of age in consideration of a debt which he had incurred during his minority.
2. Sumesh who is in need of money send his servant Ratheesh to his friend Rajesh who is indebted to Sumesh with an instrument with the following words "Mr Rajesh I will be much obliged if you pay Rs. 1,00,000/- to my servant Ratheesh without delay". Discuss the nature and validity of the Instrument.

**Turn over**

3. Mr Sudheer a well known customer presented a cheque of Rs. 2,00,000/- dated 12.03.2021 for collection to his bank on 01.03.2021. As the customer was in need of money the bank discounted the cheque credited the amount in the account after deducting interest and charges and allowed him to withdraw the amount. Bank sent the cheque for collection on due date and received the amount. Later it was known that Mr Sudheer got the cheque on the basis of a forged endorsement. Discuss the position of the Collecting banker.

(2 × 10 = 20 marks)

### Part C

*Answer any two questions.*

*Each question carries 12.5 marks.*

1. Examine the role of banks in agriculture and rural development with special reference to NABARD and Regional Rural Bank ?
2. Define Cheque, crossing of cheque and different types of crossing ?
3. Explain the different ways through which a customer can operate his accounts ?

(2 × 12.5 = 25 marks)

**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
EXAMINATION, DECEMBER 2021**

LL.B. Unitary

OP 04—INTELLECTUAL PROPERTY LAW

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Write short notes on any five of the following.*

*Each question carries 5 marks.*

1. Briefly examine meaning of intellectual property.
2. Discuss about assignment of copyright.
3. Write on advantages of registration of trademark.
4. Explain the post grant opposition for patent.
5. Write on traditional knowledge.
6. Analyse complete specification.
7. Write on unconventional trademark.
8. Examine Universal Copyright Convention 1952.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. Mr X, a biotechnologist applies for copyright over a new series of DNA sequence in an organism. Discuss.
2. M/s PQ Traders is the registered user of tooth paste namely "Zigmat". M/s AB manufactured and marketed tooth paste namely "Zigmet". Can M/s PQ Traders get remedy ?
3. Mr Zimon, a scientist invented method of human cloning and he applies for patent of the invention. Discuss.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two questions.  
Each question carries 12½ marks.*

1. Analyse the subject matter of copyright.
2. Discuss the jurisdiction of IPAB.
3. Examine revocation of patent.

(2 × 12½ = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT



**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
EXAMINATION, DECEMBER 2021**

LL.B. Unitary

CP 22—LAW OF DIRECT TAXATION

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five of the following questions.*

*Each question carries 6 marks.*

1. Distinguish between capital receipt and revenue receipt.
2. Difference between tax and fees.
3. Explain powers and composition of Central Board of Direct Taxes.
4. What are the appeal provisions under IT Act.
5. Explain the income from salary and tax computation.
6. Explain set off and carry forward of loss.
7. Write a note on best judgment assessment.
8. Explain the liability to assessment in special cases.

(5 × 6 = 30 marks)

**Part B**

*Answer any two of the following questions.*

*Each question carries 10 marks.*

1. Mr. X an assessee received interest on arrear of rent payable in respect of agricultural land. Will it constitute agricultural income.
2. X after about 30 years stay in India returns to America on January 29, 2004. He returns to India in June 2006 to join an American Company as its overseas branch manager. Determine his residential status for the assessment year 2007-08.

**Turn over**

3. X was awarded with Sir C.V. Raman award for experimental research he applied for tax exemption. X claims that the amount received as cash prize is non-taxable. Discuss.

(2 × 10 = 20 marks)

**Part C**

*Answer any two of the following questions.*

*Each question carries 12.5 marks.*

1. Write a note on settlement commission.
2. What do you mean by setoff and carry forward ? What are the different types of setoff and carry forward ?
3. Examine the law relating to the computation of net wealth explain in detail on assets which are included and excluded from the definition of net wealth.

(2 × 12.5 = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
EXAMINATION, DECEMBER 2021**

LL.B. Unitary

CP 21—LAW OF EVIDENCE

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any six of the following questions.*

*Each question carries 5 marks.*

1. What do you mean by doctrine of Res-Gestae ?
2. Define proved, disproved and not proved.
3. What are latent ambiguities ?
4. Write short note on 'Examination of child witness'.
5. What is a leading question ? Who can put such questions to a witness and when ?
6. Write a note on judicial notice.
7. Examine the Judges power to put questions.
8. Explain Presumption of Legitimacy.

(6 × 5 = 30)

**Part B**

*Answer any two of the following questions.*

*Each question carries 10 marks.*

1. Mr. 'A' Committed an offence under section 376 IPC, the defence counsel adduced evidence as to general immoral character of the victim and put questions as to previous sexual experience of the victim during cross examination. Whether it is permissible under Indian Evidence Act to adduce evidence or to put questions in the cross-examination of the victim about the general immoral character or previous sexual experience ? Decide.

2. 'A' is arrested by the police in connection with murder of 'B'. While in police custody 'A' made the following statement to the police officer investigating the case : "I have killed 'B' by stabbing him with a knife, and concealed the said knife in my house. Whether the statement amounts to confession and is admissible as evidence ? Decide .
3. Mr. X and Mrs. Y are husband and wife. X tells Y about how he diverted funds to his own account. Whether Y's testimony is admissible as evidence before court of law ? Decide.

(2 × 10 = 20)

### Part C

*Answer any two of the following questions.*

*Each question carries 12½ marks.*

1. Explain the provision and different types of examination of witness under Indian Evidence Act.
2. Define Evidence. Explain various types of Evidence.
3. Discuss briefly about the burden of proof. Examine the rules regarding burden of proof in civil and criminal cases.

(2 × 12½ = 25)

**FIFTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
EXAMINATION, DECEMBER 2021**

LL.B. Unitary

CP 20—COMPANY LAW

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.  
Each question carries 6 marks.*

1. Explain the Duties and functions of Auditors in a company.
2. What is meant by Public Company ?
3. What is meant by the doctrine of Constructive Notice ?
4. Briefly state the principles governing Allotment of Shares.
5. Examine the functions of SEBI.
6. Distinguish floating charge from fixed charge.
7. 'Certificate of incorporation is the conclusive evidence.' Explain with the help of case law.
8. What is the principle laid down in Foss v Harbottle ?

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.  
Each question carries 10 marks.*

1. A company is incorporated to start a profitable business in Kerala. Mr.Rajesh took 1000 shares in the company by investing Rs.1 Lakh. Govt of Kerala issued an order prohibiting the business intended by the company. Then the company decided to start a non profit business in Kerala. Mr.Rajesh challenged it. Decide.
2. General meeting of a company passed a resolution with 90% votes for preventing Mr.P, a shareholder, from exercising his vote in the meeting. Mr.P filed a suit challenging the decision. Decide.
3. The share certificate of ABC company wrongly stated that the shares are fully paid. The company claimed the balance unpaid value of the shares from a transferee of the share, Mr.K. He did not pay the balance amount and the company forfeited the shares. Mr.K challenged the forfeiture of his shares. Decide.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two questions.  
Each question carries 12½ marks.*

1. Examine the position of directors in a company. Discuss the powers and functions of Directors in a company.
2. What is meant by the Doctrine of Lifting the Corporate veil ? Elucidate the doctrine with the help of case laws.
3. What is meant by Winding up ? Explain the role of Liquidator in the winding of a company.

(2 × 12½ = 25 marks)

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