



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester I, 2015/2016 Academic Session

Examination Question Paper

Course Code : LB 4301

Course Name : Law of Evidence I

**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**

Time : 3 hours

Reference allowed
Evidence Act (Cap.108)

Note(s):

- (1) Answer any four of the following questions.
- (2) Support your answers with relevant statutory provisions and decided cases.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question 1 (15 marks)

Awang Yakob and Awang Yasin are jointly charged with the murder of Dayang Yasmin. The police interrogate them separately. During the course of the interrogation by Sergeant Awang Yazid, Awang Yakob said to him:

“I don’t know anything about the murder of Miss Yasmin. Try asking Awang Yasin who was always with her. He was in love with her and he had repeatedly proposed to marry her, which she refused abruptly. If any person had a reason to kill Dayang Yasmin, it would be Awang Yasin not me. She wrote a letter to him definitely rejecting his proposal to marry her. You can find the letter in his house.”

The following day the police went to Awang Yasin’s house and after a search found the letter in a drawer.

Sergeant Awang Yazid subsequently questioned Awang Yasin. He began by saying:

“I know you are an honest and a religious man. You better tell us the truth or Allah will punish you”.

Awang Yasin, however, refused to make any statement. Two days later, Awang Yasin’s mother is allowed to see him. But before she was taken to see Awang Yasin in the lock up, Sergeant Awang Yazid told her:

“Persuade Awang Yasin to tell the truth for his good, and your own good.”

Awang Yasin and his mother were then left alone in the lock-up, where Awang Yasin's mother related to him what Sergeant Awang Yazid had told her. Consequently, Awang Yasin admitted to his mother that he had killed Dayang Yasmin with a knife. However, both Awang Yasin and his mother were unaware that this conversation was being recorded by a hidden tape recorder. The following day the police found the knife at the place described by Awang Yasin to his mother.

Consider--

- A. Whether the statement made by Awang Yakob to Sergeant Awang Yazid is admissible?
- B. Whether Awang Yasin's confession to his mother is admissible?

(7.5 marks each)

Question 2 (15 marks)

- A. Explain the differences between "facts in issue" and "relevant facts".

(5 marks)

- B. Discuss the term "*res gestae*" and state the rules relating to its admissibility in evidence.

(10 marks)

Question 3 (15 marks)

- A. Differentiate between "primary" and "secondary evidence".

(5 marks)

B. Discuss the matters on which the opinion of expert evidence is admissible.

(10 marks)

Question 4 (15 marks)

A. Discuss the rules governing the admissibility of dying declaration.

(5 marks)

B. "Hearsay evidence must not be admitted."

Does the law recognize any exceptions to this rule? Discuss.

(10 marks)

Question 5 (15 marks)

A. State the qualifications of "an expert witness".

(5 marks)

B. Discuss the principle pertaining to "*voir dire*".

(10 marks)