



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

Faculty of Shariah and Law
Semester I, 2016/2017 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)

Notes:

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)

Ayub and Ahmad are jointly charged with the murder of Miss Jamilah. The police interrogate them separately. During the course of the interrogation by Lance Corporal Abu, Ayub said to him:

“I don’t know anything about the murder of Miss Jamilah. Try asking Ahmad 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 Miss Jamilah, it would be Ahmad 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 Ahmad’s house and after a search found the letter in his writing table drawer. Corporal Abu subsequently questioned Ahmad. 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”.

Ahmad, however, refused to make any statement. Two days later, Ahmad’s mother is allowed to see him. But before she was taken to see Ahmad in the lock up, Corporal Abu, told the mother “Persuade Ahmad to tell the truth for his good, and your own good.” Ahmad and his mother were then left alone in the lock-up, where Ahmad’s mother related to him what Corporal Abu had told her. Consequently, Ahmad admitted to his mother that he had killed Miss Jamilah with a knife. However, both Ahmad and his mother were unaware that this conversation was being recorded by a hidden tape recorder. The following day the police found the knife in the place described by Ahmad.

Consider--

- A. Whether the statement made by Ayub to Lance Corporal Abu is admissible
- B. Whether Ahmad's confession to his mother is admissible

(7.5 marks each)

QUESTION 2 (15 Marks)

- A. Compare and contrast between facts in issue and relevant facts.

(5 marks)

- B. With the reference to decided cases, explain the term "*res gestae*" and state the rules relating to its admissibility in evidence.

(10 marks)

QUESTION 3 (15 Marks)

- A. Hamzah was tried for the murder of Kalsum by cutting her throat. Azmi saw Kalsum came out of her room after the attack, clutching her throat and he also heard Kalsum says "see what Hamzah has done to me." Prosecution produced in evidence Kalsum's statement to Hamzah. Hamzah objected that the evidence produced was hearsay and hence inadmissible.

Advise Hamzah.

(15 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.
(5 marks)

C. "The court may object the admissibility of the illegally obtained on the ground of unlawful entry, search and seizure of the evidence". Discuss.
(5 marks)

QUESTION 5 (15 Marks)

A. What amounts to a confession?
(5 marks)

B. State the legal principles from the following case laws
(i) Hamsa Kunju V R (1963) MLJ 228(Singapore)
(ii) R V Bedingfield (1879) 14 cox cc 341
(5 marks)

C. State rules governing admissibility of confession
(5 marks)

بالتوفيق والنجاح