



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

Faculty of Shariah and Law
Semester I, 2014/2015 Academic Session

Examination Question Paper

Course Code : LB 4301
Course Name : Law of Evidence I
Course Level : Bachelor of Laws (LL.B)
Time : 3 hours

Reference allowed

Evidence Act (Cap.108)

Notes:

- (1) Answer **Question 1 in Part A** and any **two (2) questions in Part B**.
- (2) Support your answers with the relevant statutory provisions and decided cases.

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Part A

Question 1 (30 marks)

Matali and Asrul are jointly charged with the murder of Dk Jamilah. The police interrogated them separately. During the course of the interrogation by Sergeant Hidup, Matali said to him:

“I don’t know anything about the murder of Dk Jamilah. Try asking Asrul who was always with her. He was in love with her and he had repeatedly proposed to marry her, which she refused. If any person had a reason to kill Dk Jamilah, it would be Asrul 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 Asrul’s house and after a search found the letter in the drawer of his writing table.

Sergeant Hidup subsequently questioned Asrul. He began by saying:

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

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

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

Asrul and his mother were then left alone in the lock-up, where Asrul’s mother related to him what Sergeant Hidup had told her. Consequently, Asrul admitted to his mother that he had killed Dk Jamilah with a knife. However, both Asrul 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 Asrul.

Consider—

- (a) Whether the statement made by Matali to Sergeant Hidup is admissible.
- (b) Whether Asrul’s confession to his mother is admissible.

(15 marks each)

Part B

(Answer any **two (2)** questions from this part.)

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 non-experts is admissible. (10 marks)

Question 4 (15 marks)

- (a) Explain the rules governing the admissibility of dying declaration. (5 marks)
- (b) Explain the law relating to hearsay evidence and its exceptions. (10 marks)