



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

**Faculty of Shariah and Law
Semester I, 2020/2021 Academic Session**

**Final Examination
Question Paper**

**Course Code : LB4301
Course Name : Law of Evidence I
Course Level : Bachelor's Degree
Time : 3 hours**

**Reference(s) allowed:
EVIDENCE ACT, CHAPTER 108**

Instructions:

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بسم الله الرحمن الرحيم

QUESTION 1 (15 Marks)

The accused faced three charges of putting persons in fear of injury in order to commit extortion contrary to section 385 of the Penal Code. In each case, it was alleged that the modus operandi had been to write a letter to his intended victim demanding the money and also make telephone calls referring to the letter. Each of the intended victim made a report to the police but it was only as a result of the report of the third case that the police, after having made arrangements at the telephone exchange, succeeded in arresting the accused as he was leaving a public telephone booth after having been seen apparently speaking on the telephone and then putting down the receiver. As he was being arrested and escorted to the police car, he threw away a piece of paper which was recovered and on it was written the telephone number of the intended victim in the third case.

Is the evidence as to the circumstances in which the accused was arrested admissible in relation not only to the third charge but also as relevant evidence to the first and second charge?

QUESTION 2 (15 Marks)

Can a Lab Assistant from the Department of Scientific Services who is skilled in performing tests on drug specimens be summoned as a witness to testify in court as to the result of the tests he himself conducted? Explain.

QUESTION 3 (15 Marks)

Explain the difference between:

- | | |
|--|-----------|
| (a) Direct and circumstantial evidence | (5 Marks) |
| (b) Admissibility and weight of evidence | (5 Marks) |
| (c) Primary and secondary evidence | (5 Marks) |

QUESTION 4 (15 Marks)

- (a) Omar and Hana were engaged and planning to get married. Three days prior to their solemnisation ceremony, Hana broke off their engagement and wedding ceremony. Outraged by this, Omar went to confront Hana at her house and found Hana with another man, Faris. An argument between Omar and Faris quickly ensued. In the heat of the moment Omar, who was really angry, quickly took out a knife from his car and stabbed Faris on his neck. Faris bled to death and Omar was subsequently arrested and charged for the murder of Faris.

During the trial, Omar's counsel submitted the defence of provocation and called Dr. Musa, a psychiatrist to testify. Dr. Musa testified that Omar was indeed provoked, and his action was a result of such provocation. Dr. Musa, however, did not disclose how he had arrived at his conclusion. The prosecution's objection was on the ground that the evidence was a mere opinion of Dr. Musa and not a statement of fact as such his evidence should not be accepted by the court.

As a presiding judge to the case, decide whether Dr. Musa's evidence is admissible or not.

Explain your decision.

(10 Marks)

- (b) How would the evidence of an expert be challenged?

(5 Marks)

QUESTION 5 (15 Marks)

By reference to the Evidence Act, Chapter 109, explain and discuss the admissibility of following evidence in court:

- (a) Investigation diary of Inspector Remy showing where and from whom he had seized 240 cartons of Era cigarettes, the exhibits and subject matter of the charge of possession of excisable goods against the defendant. Inspector Remy is now retired and has moved to live with his son in Amsterdam, Holland.

(7½ Marks)

(b) Previous conviction record of housebreaking against a defendant who is now being charged for robbery.

(7½ Marks)

QUESTION 6 (15 Marks)

(a) A police officer tells a suspect “*You tell me what happened, and I’ll ask the DPP to go easy on you*”.

Is the confession admissible if contained because of what the police officer said to the suspect although the police officer made no attempt to see the DPP?

(7½ Marks)

(b) The police picked up a suspect, interrogated him and by threats got him to own up where he had hidden the loot. His lawyer intends to have the confession thrown out on the ground that threats were used to get it. The police found the stolen jewellery.

Can prosecution show the jewellery as evidence although it was found through illegal confession?

(7½ Marks)

بالتوفيق والنجاح