



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 : SD0310
**Course Name : Pengenalan Kepada Undang-Undang
Keterangan Brunei**
Course Level : Higher National Diploma
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.

QUESTION 1 (15 Marks)

Briefly describe the following concepts recognized by the law of evidence:

- (a) Real Evidence (3 Marks)
- (b) Secondary Evidence (3 Marks)
- (c) Burden of proof (3 Marks)
- (d) Facts in issue (3 Marks)
- (e) Circumstantial evidence (3 Marks)

QUESTION 2 (15 Marks)

With reference to the Evidence Act, Chapter 108:

- (a) Explain the types of examination that a witness must undergo when testifying in court. (10 Marks)
- (b) When can a party ask leading questions to his own witness? (5 Marks)

QUESTION 3 (15 Marks)

Discuss on the admissibility of the following evidence:

- (a) A suspected rapist had been arrested by the police and during the interrogation the police gave him a packet of cigarettes and told the suspect to just tell the truth and nothing will happen to him. The suspect confessed to the offence and he is subsequently charged for rape. Prosecution wants to rely on the confession made. (7½ Marks)
- (b) Alli is charged for the murder of Amin. Before Alli was arrested by the police, he met with his colleague, Abu and confessed that he had stabbed Amin to death because he was provoked. Prosecution now wants to rely on the confession Alli made to Abu. (7½ Marks)

QUESTION 4 (15 Marks)

Hearsay evidence may be admissible in civil and criminal cases. Discuss with reference to the sections of the Evidence Act, Chapter 108 and relevant case law.

QUESTION 5 (15 Marks)

A Narcotics officer who has been working for 18 years in the field of evaluating the street value of drugs has been summoned to court as an expert witness to give evidence on the street value of 2 kilograms of cannabis found in the possession of the defendant. The defence is objecting to the admissibility of his evidence since the Narcotics officer does not possess any qualification on giving street value of drugs.

As the High Court judge of the case, please give an explanation as to whether you can accept the evidence of the said Narcotics officer.

QUESTION 6 (15 Marks)

(a) Explain the difference between the burden and standard of proof in civil and criminal cases.

(7½ Marks)

(b) What is the standard of proof at the end of prosecution's case in a criminal proceeding and with whom does the burden lie at the end of the trial.

(7½ Marks)

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