

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

**EXAMINATION FOR THE AWARD OF DEGREE IN BACHELOR OF ARTS IN
CRIMINOLOGY AND SECURITY STUDIES**

CRSS 310: LAW OF EVIDENCE

STREAMS: ODEL

TIME:2 HOURS

DAY/DATE: THURSDAY 13/04/2023

8.30 A.M. –10.30 A.M.

INSTRUCTIONS

Answer question one and any other two questions

QUESTION ONE

- a) Write explanatory notes on the following;
- i. Admissibility of exhibit (3 marks)
 - ii. Materiality of evidence (3 marks)
 - iii. Burden of proof in criminal cases (3 marks)
 - iv. Presumptions of facts (3 marks)
- b) Examine the law relating to circumstantial evidence (8 marks)
- c) Mary has approached you wanting to know the relevancy and admissibility of certain pieces of evidence. Enlighten her explaining the principle of res gestae (10 marks)

QUESTION TWO

“The rule against hearsay is unnecessary in the circumstances in a developing country like Kenya. To insist on it, is to cause miscarriage of justice because otherwise good and useful evidence will be excluded”. Discuss (20 marks)

QUESTION THREE

- a) In relation to law of evidence, give and explain the major functions of court of justice. (8 marks)
- b) With the use of relevant authorities, discuss the law governing relevancy and admissibility of electronic evidence in Kenya. (12 marks)

QUESTION FOUR

- a) What is the meaning of the phrase “credibility of evidence.” (4 marks)
- b) Having been nominated to facilitate a training to police officers recently recruited by the directorate of criminal investigations, explain to them the principles governing the reception of a confession in Kenya (8 marks)
- c) Explain the law relating to admissibility of evidence (8 marks)

QUESTION FIVE

- a) Is it necessary that an expert give reasons for his opinion? Discuss with relevant illustrations. (10 marks)
 - b) Discuss the instances when the court may accept secondary evidence of a document. (10 marks)
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