

**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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