

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

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

CRSS 310: LAW OF EVIDENCE

STREAMS:

TIME: 2 HOURS

DAY/DATE: FRIDAY 06/12/2019

8.30 A.M. – 10.30 A.M.

INSTRUCTIONS:

- Answer question ONE and any other TWO.

QUESTION ONE

- (a) Write short notes on the following;
- | | |
|-------------------------|-----------|
| (i) Facts | (3 marks) |
| (ii) Weight of evidence | (3 marks) |
| (iii) Judicial notice | (3 marks) |
| (iv) Estoppel | (3 marks) |
- (b) Examine the law relating to electronic evidence. (10 marks)
- (c) Discuss the principle of res gestae. (8 marks)

QUESTION TWO (20 MARKS)

- (a) “The rule against hearsay is unnecessary 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. (12 marks)
- (b) In relation to law of evidence explain the major functions of courts of justice. (8 marks)

QUESTION THREE (20 MARKS)

- (a) Discuss the law relating to competency and compellability of witness. (10 marks)

- (b) With the use of relevant authorities distinguish between confessions and admissions. (10 marks)

QUESTION FOUR (20 MARKS)

- (a) Write short notes on the following terms
- (i) Evidence (2 marks)
 - (ii) Facts in issue (2 marks)
 - (iii) Exhibit (2 marks)
 - (iv) Presumptions (2 marks)
- (b) Explain the law relating to admissibility of evidence. (12 marks)

QUESTION FIVE (20 MARKS)

- (a) Discuss the onus of proof in criminal cases. (10 marks)
- (b) Discuss the instances when the court may accept secondary evidence of a document. (10 marks)
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