



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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**MAIN EXAMINATION**

**JANUARY – APRIL 2014 TRIMESTER**

**FACULTY OF LAW**

**REGULAR PROGRAMME**

**CLS 206: EVIDENCE II**

**Date: APRIL 2014**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

- Q1. Ordinarily under section 125 (1) all persons are competent to testify. Be that as it may, not all competent witnesses are compellable. Discuss the competence and compatibility of spouses in civil and criminal proceedings. **(30 marks)**
- Q2. Not much weight can be placed on hearsay evidence especially as the out – of – court assenter is not present in court to be cross – examined contrary to Article 50 (2) (K). However there are circumstances that the court may admit hearsay evidence. Discuss. **(20 marks)**
- Q3. Discuss the classification of documents under the evidence Acts and the means of proving a public document. **(20 marks)**
- Q4. Write short notes on the admissibility of character evidence in both civil and criminal proceedings. **(20 marks)**
- Q5. By a liberal interpretation of section 65 (1) of the evidence the best way of proving the contents of document is by the production of the original document for the inspection of the court, and this is said to be the best

evidence. If this be the case, discuss the circumstance in which secondary evidence may be given of the existence, condition or contents of a document. **(20 marks)**

**\*END\***