



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

## A. M. E. C. E. A MAIN EXAMINATION

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AUGUST – DECEMBER 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 206: EVIDENCE II

Date: DECEMBER 2018

Duration: 2 Hours

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

- Q1. Ordinarily by the tone and contents of the provision of section 67 of the Evidence Act, Cap. 80, Laws of Kenya, documents must be proved by primary evidence. Be that as it may, the Act in Section 64 allows secondary evidence as a means of proving the contents of documents. Discuss. **(30 marks)**
- Q2. All compellable witnesses are competent to testify. However, not all competent witnesses are compellable. Discuss this statement in relation to the following persons:
- a) Spouses
  - b) Public Officers
  - c) Advocates
- (20 marks)**
- Q3. In the case of SUBRAMANIAN V. D.P.P (1956) I.W.L.R Justice Da Silva said: "Evidence of a statement made to a witness by a person who is not himself called as a witness may or may not be hearsay". Discuss this statement and state the circumstances under which hearsay evidence may be admissible of the truth asserted. **(20 marks)**

Q4. Discuss the admissibility or otherwise of character Evidence in criminal proceedings. **(20 marks)**

Q5. Write short notes on

- a) Refreshing memory **(4 marks)**
- b) Extrinsic evidence **(10 marks)**
- c) Voir dire **(6 marks)**

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