



THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
DEGREE OF MASTER OF LAWS IN CRIMINAL JUSTICE ADMINISTRATION
FINAL EXAMINATION – 2018/2019
LLPA504/LWP2204 – LAW OF EVIDENCE
DURATION: 03 HOURS

Date: 12.09.2020

Time:9.30 a.m. – 12.30 p.m.

Instructions for candidates:

- **Total Number of Questions: 07.**
- **Answer (04) four questions only.**

01. Write a comprehensive note on expert evidence with special reference to the applicable provisions in the Evidence Ordinance, No. 14 of 1895 and decided cases, along with a comparative discussion of the same subject under the Law of Evidence in India, England and USA.

02. ‘The underlying rationale for the rule excluding similar fact evidence is that to allow it in every instance to risk the conviction of an accused not on the evidence relating to the facts but because of past behaviours or disposition towards crime. Such evidence without doubt has a prejudicial effect against the accused.’

Discuss the correctness of the above statement in light of the Law of Evidence in Sri Lanka with the support of decided cases and a comparison of Law of Evidence in India and England.

03. 'The law relating to the admissibility of confession made by the suspect has been developed by the new line innovative interpretations and novel observations of judges in judicial decisions.'

Explain the correctness of the above statement with a critical analysis of relevant case law and statutory provisions in Sri Lanka. Compare the relevant existing law of Sri Lanka with the same subject under Law of England and India.

04. Critically evaluate the admissibility of dying declaration as an exception to the rule of hearsay evidence with special reference to the applicable provisions in the Evidence Ordinance, No. 14 of 1895 and decided cases.

05. Explain *res gestae*, a common law doctrine of governing testimony and compare the applicability of this doctrine in Law of Evidence in Sri Lanka with the Law of Evidence in England and USA. The answer must be supported with relevant case law authority.

06. 'The legal maxim in law of evidence, which denotes that the testimonies are to be weighed not numbered' is well established in the Law of Evidence in Sri Lanka.

Discuss the above statement in light of how Sri Lanka follows the maxim in its respective law with a comparison of Law of Evidence in England and USA.

07. Critically evaluate the admissibility of computer evidence in a criminal matter with special reference to the recent amendment introduced to the Law of Evidence in Sri Lanka.

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