



THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.M IN CRIMINAL JUSTICE ADMINISTRATION
FIRST YEAR - FINAL EXAMINATION – 2013/2014
LWP2204 – LAW OF EVIDENCE
DURATION: 03 HOURS

DATE: 18th May 2014

TIME: 9.30 a.m. – 12.30 p.m.

Total No. of Questions : 06

Answer four (04) questions only.

Candidates will be penalized for illegible handwriting.

01. Critically evaluate the legal philosophy underpinning the relevancy and admissibility of expert opinion in a criminal trial.

You must support your answer with relevant statutory provisions and decided cases in Sri Lanka and another jurisdiction.

02. Explain the admissibility of computer evidence in a criminal matter with a critical view of Evidence (Special Provisions) Act No. 14 of 1995 and decided case law of Sri Lanka.
03. “It is difficult to appreciate character evidence objectively as one’s views in society will always be coloured by the trends prevalent in society at the given time. This leads to situations wherein a person having a good case on all other fronts losing because society at that point in time perceives him to be of bad character”.

Discuss the above statement in the light of the rule of law relating to character evidence in Sri Lanka and India or England.

04. In Law of Evidence, the dying declaration is considered as testimony that would normally be barred as hearsay but may nonetheless be admitted as evidence in certain type of cases because it constitutes the last words of a dying person.

Evaluate this statement with special reference to evidentiary value of dying declaration.

Support your answer with the relevance provisions of the Evidence Ordinance of Sri Lanka and India or England.

05. The underlying rationale for the rule excluding similar fact evidence is that to allow it in every instance is to risk the conviction of an accused not on the evidence relating to the facts but because of past behaviors or disposition towards crime.

Critically discuss this statement in the light of the development of law concerning similar fact evidence in Sri Lanka and another jurisdiction.

06. Innovative interpretations and novel observations of judges in judicial decisions have resulted in the development of a coherent body of rules relating to the confession.

Do you agree?

Give reasons for your answer with the support of relevant case law and statutory provisions in Sri Lanka with an analysis of comparative jurisdiction

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