

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
LL.M. IN CRIMINAL JUSTICE ADMINISTRATION - LEVEL 7
FINAL EXAMINATION – 2014 / 2015
LWP 2204 - LAW OF EVIDENCE
DURATION – 03 HOURS



Date : 29th November 2015

Time: 10.00 a.m. – 1.00 p.m.

Total number of questions 6

Answer FOUR (04) questions only. Each question carries 25 marks.

Candidates will be penalized for illegible handwriting.

1. "One of the exceptions to the hearsay rule in terms of the Evidence Ordinance is that those facts, though not in issue, if connected to a fact in issue so as to form part of the same transaction, are relevant and would be admissible in evidence."

In light of the above statement, critically evaluate, with reference to decided cases and legislative provisions, the principle and philosophy underpinning the concept of *res gestae* in the law of evidence of Sri Lanka

2. Compare and contrast the scope, applicability and relevance of sections 14 and 15 of the Evidence Ordinance with reference to decided cases.
3. "The principle governing competence and compellability of witnesses in criminal proceedings is a matter of policy regulated by the provisions of the Evidence Ordinance."

Discuss with reference to relevant provisions of the Evidence Ordinance and decided cases, the rationale underpinning such principle and its applicability to the concept of relevancy.

4. "Dying declarations are admitted on the basis that [it] had been accepted from ancient time that a person at death's door will not utter a lie. He knows that he is about to die. A wicked person may falsely implicate someone who is not the actual doer of the act. Such instances are not even one in a million In fact in making this direction to the jury the learned trial judge was placing before the jury the classical exposition of the English Common Law as stated by Eyre C.B. in *Rex v. Woodcock* ..." per Kulatilake J in *Ranjith v. The State* [2000] 3 SLR 346 at p. 350.

In light of the above statement, critically examine, with reference to relevant legal provisions and decided cases, the requirements for admissibility, and probative value, of dying depositions in criminal cases in Sri Lanka.

5. "Opinions of witnesses are not relevant in terms of the Evidence Ordinance. However under certain circumstances witnesses are permitted to express opinions subject to strict conditions.

Do you agree with the above statement? Give reasons for your view supporting it with reference to decided cases and legal provisions.

6. "The Evidence Ordinance provides that 'no particular number of witnesses shall in any case be required for the proof of any fact'. However corroborative evidence may be required under certain circumstances."

Critically comment on the above statement with reference to relevant provisions of the Evidence Ordinance and decided cases

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