

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
LL.M. IN CRIMINAL JUSTICE ADMINISTRATION - LEVEL 7
FINAL EXAMINATION – 2015/2016
LWP 2204 – LAW OF EVIDENCE
DURATION – 03 HOURS



Date : 10.06.2017

Time: 09.30 a.m. – 12.30 p.m.

Total number of questions 7

Candidates will be penalized for illegible handwriting.

Answer 04 questions only. Each question carries 25 marks

1. The case law in Sri Lanka is a prominent legal source, facilitating the development of the law relating to expert evidence’.

Discuss the correctness of the statement supported by relevant decided cases and statutory provisions in Sri Lanka along with an analysis of the underpinning rationale of exclusion of a person’s opinion as an evidence in general and the inclusion of the same in certain circumstances.

2. In criminal proceedings the fact that the accused person has a bad character is always irrelevant.’

Do you agree with the above statement? Support your answer with a discussion of the relevant provisions of the Evidence Ordinance and decided cases explaining their contribution towards the protection of the rights of the accused.

3. In Sri Lanka, only the direct evidence and not the hearsay are allowed in any legal proceedings?.

Critically comment on the above statement with particular reference to the provisions of the Evidence Ordinance and decided cases in Sri Lanka and another jurisdiction.

4. Critically evaluate the legal principle of the admissibility of confession in a criminal trial. The answer must be supported with relevant statutory provisions and decided cases in Sri Lanka and laws available in any other jurisdiction in respect of the same subject as well as a discussion of the difference between admission and confession.
5. Discuss the different types of evidence recognized in the Evidence Ordinance in Sri Lanka with special reference to the computer based evidence and compare the existing domestic laws relating to the admissibility of computer based evidence with the prevailing laws in the same subject in another jurisdiction. .
6. ' The Doctrine of *casus omissus* finds the circumstances where a court can provide a clearly unintentional oversight by the legislature in drafting a particular provision. However, it leads to create disparities among the judicial decisions as well as a conflict between the courts and the draftsmen of the provision.'

Critically evaluate the correctness of the above said statement with particular reference Law of Evidence in India and Sri Lanka.

7. ' Despite the Evidence Ordinance in Sri Lanka provides that no particular number of witnesses shall in any case be required for the proof of any fact, in practice, corroborative evidence are required in many circumstances.'

Do you agree? Evaluate the above mentioned the statement with the support of relevant statutory provisions in the Evidence Ordinance and decided cases.

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