



PAN AFRICAN CHRISTIAN UNIVERSITY

UNIVERSITY EXAMINATIONS 2025/2026

**FIRST TRIMESTER EXAMINATION FOR THE BACHELOR & DIPLOMA IN
CRIMINOLOGY AND SECURITY MANAGEMENT**

DCR 202/BCSL 318: LAW OF EVIDENCE

Instructions:

There are **FIVE QUESTIONS**. Answer any **THREE QUESTIONS**.

QUESTION 1 CARRIES 30 MARKS IS COMPULSORY. QUESTION 2-5 CARRY 15 MARKS EACH.

Support your answers with relevant examples.

QUESTION ONE

- a) Define relevance and give ONE example of its application in a Kenyan criminal trial. (6 marks)
- b) State the TWO primary challenges in defining hearsay evidence for legal admissibility. (6 marks)
- c) Distinguish direct evidence from circumstantial evidence. (6 marks)
- d) Under the best evidence rule, when is secondary evidence considered admissible? (6 marks)
- e) Name the constitutional provision in Kenya that protects the right to a fair trial and explain how evidentiary rules support it. (6 marks)

QUESTION TWO

A murder suspect, John, is arrested in Kisumu after a neighbour reports seeing him flee a house where Mary was found stabbed. The prosecution tenders:

1. A blood-stained knife recovered from a ditch 200m away
2. A torn shirt with blood on John's clothesline
3. A WhatsApp message from John saying "I'll make her pay"

- a) Explain whether the knife is admissible, applying the chain of custody principle. Support with legal authority. (8 marks)
- b) Can the WhatsApp message be admitted under Section 106B of the *Evidence Act* if no certificate is produced? (4 marks)
- c) If the blood on the shirt is not tested due to lab delays, what is the legal consequence? (3 marks)

QUESTION THREE

During a Nairobi robbery, the victim is shot. The prosecution presents:

- i. Gunshot residue (GSR) on the suspect's hands
- ii. A bullet casing with rifling marks
- iii. A dying declaration from the victim: "It was Ali who shot me"

- a) Analyze the admissibility of the dying declaration under the *Evidence Act (Cap 80)*. (7 marks)
- b) Discuss whether GSR evidence can establish guilt on its own. (5 marks)
- c) Would similar fact evidence of Ali's prior robbery be admissible? (3 marks)

QUESTION FOUR

A Garissa bank fraud case involves:

- i. Deleted emails planning the fraud
- ii. A confession obtained after 50 hours of detention
- iii. An expert report on forged signatures

a) Justify digital evidence rules (Section 106B) to the deleted emails. (8 marks)

b) Is the confession admissible under Kenyan law? Cite authority. (4 marks)

c) What is the policy implication of admitting expert evidence without cross-examination? (3 marks)

QUESTION FIVE

In a land dispute between two Kenyan communities:

- i. Oral testimony from elders about historical boundaries
- ii. A survey map from 1960
- iii. An expert witness on customary land tenure

a) Explain admissibility of oral evidence under the *Evidence Act* and cite ONE limitation. (6 marks)

b) Examine whether public interest immunity apply to the survey map if it reveals government error (6 marks)

c) Recommend ONE reform to improve evidentiary fairness in customary land cases. (3 marks)