



KENYATTA UNIVERSITY
EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPR 201: EVIDENCE 1

1ST SEMESTER 2021/2022

TIME: 2 HOURS

INSTRUCTIONS:

1. ALL QUESTIONS ARE COMPULSORY
2. Support your answer with illustrations from relevant case laws, statutory provisions, and any other applicable references wherever necessary.
3. Write neatly and legibly
4. Do not scribble or draft answers on the inner or outer cover pages of your answer booklet
5. Do not write anything except your registration number on this question paper.

Question 1

Andy works as a bar tender in a local pub in Nairobi. Every Friday **MUSO Band** organizes a live band at the pub. Last Friday, **Aden Bank** had organized a special treat for all its employees. On that day, **Thomas**, One of the employees and a dear friend to the manager of **Aden Bank**, had too much to drink and engaged in an altercation which led to a fight between him and the bar tender **Andy**. About ten minutes after the fight, **Andy** walked out to go and seek medical assistance and, on his way, he met **Shila** to whom he mentioned that **Thomas** had beaten him very badly. At the clinic, Andy was treated by **Dr. Kori**

After his recovery **Andy** came to your office, and sort your written advice in the kind of evidence that would be relevant based on the events described above. Proceed to advise him based on the rules of **relevance** under the **Evidence Act** and relevant case law. [30 Marks]

Question 2

“Judicial notice and presumptions provide an avenue for parties to rely on certain matters without proving them” (K .M. Law of Evidence, 2015). Using cases and any other examples, discuss the above statement from prosecutor’s point of view. [20 Marks]

Question 3

Analyze the law of evidence in as much as it affects the constitutional right to a fair trial. [20 Marks]