

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
FIRST SEMESTER EXAMINATIONS, 2022/2023 SESSION
LAW OF EVIDENCE 1: PIL 405
FEBRUARY, 2023

INSTRUCTION(S): Answer four questions, at least one (1) question from each section.
Each question carries 17 ½ marks. **TIME ALLOWED: Three (3) hours**

SECTION A

1. (a) Distinguish between a retracted confession and an involuntary confession.
(b) You are a legal officer at the Iwo Divisional Police Office, responsible for ensuring that accused persons are not tortured to obtain confessional statements from them. What cautionary words would you advise your officers to administer before obtaining statements from accused persons?
(c) Admission is a statement, oral or documentary, or conduct, by a person, which suggests an inference as to the existence of facts or relevant facts in issue. Who can make admissible admission?
2. (a) Evidence of character is generally not admissible. Discuss this rule both in civil and criminal proceedings.
(b) The rule against hearsay evidence is to ensure that admissible evidence proceeds only from a witness, as seen or heard or perceived by him; and not as told him by a third party. Are there any circumstances in which hearsay evidence may be admissible?

SECTION B

3. It is very tempting to assume that because the Evidence Act 2011 does not, as a general rule, apply in customary courts, justice cannot be done in those courts. However, a close examination of the working of the courts will show that not only is substantial justice being done but the courts are also free from the technicality which characterises the rules contained in the Evidence Act. **Discuss.**
4. Dagboru Arijagba, a notorious thug in the scheme of Oyo State political affairs, was in the violent habit of snatching ballot boxes during the state's previous general elections. In the last gubernatorial election held on the 3rd day of December, 2017, he was caught violently snatching a ballot box. He was subsequently charged to the Electoral Crimes Court specially constituted for the purpose of prosecuting electoral offenders. The State adduced evidence of Dagboru Arijagba's previous acts of ballot snatching. The trial court convicted him on the said evidence. He appealed against the decision on the ground that the trial court wrongly convicted him as he never at any time raised any defence(s) warranting reliance on similar fact evidence. **Advise him on the prospects or otherwise of his ground of appeal.**

SECTION C

5. Akpan and Eka entered into a contract on the 12th day of October, 2022 for the supply of granite for construction purposes. Akpan paid Eka the full contract sum and they executed the contract and the copy was kept by Eka. Three months later, Eka failed to supply the granite despite repeated demands by Akpan. Being frustrated, Akpan has sued Eka and needs to tender the contract. He has issued and served a notice to produce but Eka has not availed him the document. The Court is perplexed on what to do since the document is germane in proving the agreement between them. Akani and Atang are good friends. One day, they were walking along a narrow bridge when Akani pranked Atang who pushed him and he fell off, knocked his head against a stone in the river and died. Akani is standing trial for the murder of Atang. There was a robbery at Akpa junction wherein Atampu was disposed of his car. Four days later, the local security guards, sighted Akam in the car and he has now been arrested and arraigned. Akutu had developed strong emotions towards Edna but his only obstacle was Edna's elder brother Eric. One day, at the village junction, Akutu, upon sighting Eric, took a big stick ran after him and hit him several times on the head till he died. He was arrested and arraigned for murder at the Apatata High Court. In his defence, he said he clearly heard a voice instructing him to kill the lion that was coming.

With the aid of statutory and judicial authorities, identify and discuss all the legal issues involved

6. With the aid of judicial and statutory authorities, write short but **reasonable** notes on the following:
- a. Relevant facts
 - b. Res Gestae
 - c. Judicial notice
 - d. Fact in issue
 - e. Relationship between relevancy and admissibility.