



**JARAMOGI OGINGA ODINGA**  
**UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**SCHOOL OF INFORMATICS AND INNOVATIVE SYSTEMS**  
**UNIVERSITY EXAMINATION FOR THE DEGREE IN BACHELOR OF SCIENCE IN**  
**COMPUTER FORENSCS AND SECURITY**  
**3<sup>RD</sup> YEAR, 1<sup>ST</sup> SEMESTER**

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**COURSE CODE: BEB 9410**

**COURSE TITLE: Law of Evidence**

**VENUE: AH      STREAM: CSF**

**DATE: 8/1/25**

**EXAM SESSION: 14-16.00 HRS**

**TIME: 2 HOURS**

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**INSTRUCTIONS**

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- 1. Answer QUESTION ONE [Compulsory] and any other TWO other questions.**
  - 2. Candidates are advised not to write on the question paper.**
  - 3. Candidates MUST hand in their answer booklets to the invigilator while in the examination room.**
  - 4. Mobile phones are not allowed in the examination room.**
  - 5. Write legibly**
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**QUESTION ONE [COMPULSORY]**

**[30 Marks]**

- [a]. Explain four elements of primary evidence in proving a document. **[8 Marks]**
- [b] State sets of admission in Evidence. **[2 Marks]**
- [c] Explain four instances if there is no contestation, then you do not need to call the attesting witnesses. **[4 Marks]**
- [d] Explain five to the rule that burden of proof lies on the plaintiff **[5 Marks]**
- [e] Once the digital evidence has been sent to the laboratory, a qualified analyst will take a number of steps to retrieve and analyze data: Discuss. **[6 Marks]**
- [f] When is a dying declaration admissible as evidence? **[5 Marks]**

**QUESTION TWO**

**[20 Marks]**

- [a] Explain five bases upon which judicial notice will be allowed as contained in the Evidence Act. **[10 Marks]**
- [b] Explain circumstances under which in civil litigation evidence of character will be allowed. **[10 Marks]**

**QUESTION THREE**

**[20 Marks]**

- [a] What ethical issues need to be considered when evaluating digital evidence? **[10 Marks]**
- [b] Discuss three categories of presumptions **[10 Marks]**

**QUESTION FOUR**

**[20 Marks]**

- [a]. How is electronic and digital evidence admitted in Kenya? **[10 Marks]**
- [b] Discuss five limitations to estoppel by record. **[10 Marks]**

**QUESTION FIVE**

**[20 Marks]**

Write concise notes on **any five** of the following:

- [a] Difference between logical relevance and legal relevance
- [b] What is the relationship between admission and confessions?
- [c] State with examples the difference between public document and private document
- [d] Categories of Presumptions
- [e] An active digital footprint