



SCHOOL OF LAW

NLLB202: LAW OF EVIDENCE

END OF FIRST SEMETER EXAMINATIONS

NOVEMBER 2025

LECTURER: MR. D. TANDIRI

DURATION: 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet.**
- 2. Answer FOUR questions only – Question One (1) in section A is COMPYLSORY and ANY Three (3) questions in section B.**
- 3. Begin your answer for each question on a new page.**
- 4. Each question is worth 25 marks.**

SECTION A (COMPULSORY)

QUESTION 1

Gloria Mutema was on her way from Max Village when John Muyambo grabbed and tripped her to the ground and had sexual intercourse with her once without her consent. John Muyambo fled from the scene. Mbuya Moyo, who was at her house, heard Gloria shouting “John please don’t rape me!” She rushed to the scene and saw John Muyambo fleeing without a shirt. Gloria did not inform Mbuya Moyo that she had been raped by John Muyambo. Gloria then left the scene and went and narrated her ordeal to her friend Munashe on the same day. She also made another complaint to her mother. John Muyambo was subsequently arrested. Unfortunately, Gloria’s mother passed on before the commencement of trial. However, she wrote a statement in which she stated and confirmed what her daughter narrated to her. At the trial, the public prosecutor called Munashe as a state witness and sought to rely on the statement of Gloria’s mother. However, counsel for John Muyambo objected against Mbuya Moyo and Munashe testifying. Further, counsel objected against reliance being placed on the statement of Gloria’s mother on the basis that their evidence was not admissible since it is irrelevant and purely hearsay evidence.

Advise the public prosecutor on the admissibility of the evidence of:

- | | |
|--------------------------------------|-------------------|
| a) Mbuya Moyo; | [10 Marks] |
| b) Munashe; | [10 Marks] |
| c) The statement of Gloria’s mother. | [5 Marks] |

SECTION B (Answer any three (3) questions)

QUESTION 2

- a) Discuss the admissibility of previous consistent statements in Zimbabwe. **[10 Marks]**
- b) Critically examine the circumstances in which it is permissible for a witness, complainant or accused to refresh his or her memory in Zimbabwe. **[15 Marks]**

QUESTION 3

Kasi Kasi broke into a shop at Watsomba Growth Point and stole several items. The police then started looking for him since he was captured by the Closed- Circuit Television (CCTV) committing the offence. Kasi Kasi confessed to his wife that he is the one who committed the offence. He then went and consulted a legal practitioner. The legal practitioner prepared notes as he was interviewing Kasi Kasi. Kasi Kasi was later arrested by the police. He was tortured while in police custody. He divulged to the police that he confessed to his wife and legal practitioner that he is the one who committed the offence. He led to the recovery of some of the stolen items. The said items were recovered at his house.

- (a) Discuss the admissibility of the recovered items and CCTV footage as evidence of the commission of the offence. **[10 Marks]**

- (b) Examine whether Kasi Kasi's wife and legal practitioner can testify against him. In your answer, highlight whether the police can compel the legal practitioner to release his notes to them. **[15 Marks]**

QUESTION 4

Mugari entered into a lease agreement with Mhaka. He stayed at Mhaka's premises for three (3) months but later vacated without giving notice and paying rentals and utility bills. He also did the same to Makanga and Mudikani. He later entered into a lease agreement with Handinzarwo and also vacated his premises after staying there for three (3) months without giving notice and paying rentals and utility bills. Handinzarwo later instituted legal proceedings against Mugari claiming payment of the arrear rentals and outstanding utility bills. At trial, Handinzarwo sought to lead evidence from Mhaka, Makanga and Mudikani to confirm that Mugari was in the habit of staying at people's premises and then vacating without giving notice and paying rentals and utility bills.

- (a) Advise Mugari on the admissibility of the evidence of Mhaka, Makanga and Mudikani. **[15 Marks]**

- (b) Discuss the admissibility of previous convictions in criminal proceedings in Zimbabwe. **[10 Marks]**

QUESTION 5

(a) Critically discuss the admissibility of opinion evidence in Zimbabwe. [15 Marks]

(b) Does the Hollington Rule apply in Zimbabwe? [10 Marks]

QUESTION 6

(a) Briefly explain the following concepts:

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|------------------------------|-----------|
| i) Facts in issue; | [5 Marks] |
| ii) Circumstantial evidence; | [5 Marks] |
| iii) Real evidence; | [5 Marks] |
| iv) <i>Res gestae</i> ; and | [5 Marks] |
| v) Presumptions. | [5 Marks] |

END OF EXAMINATION