

سلطة المحكمة في تقدير البينات في المسائل الجنائية-اعداد- وجدان علي محمد الرضي

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الماجستير في القانون

**وجدان علي محمد الرضي**

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The research focuses on the power of the court in evaluation of evidence in criminal cases.

The proper exercise of such powers is very important in criminal cases in particular in order that the guilt of the accused is approved beyond any reasonable doubt.

Although the rules of evidence governing admissibility is similar in both criminal and civil proceedings, the court is require to adopt more restrict approach in evaluation of evidences adduced in criminal cases.

This view is based on the rules of the LAW of EVIDENCE and relevant provisions in Criminal Proceedings Act.

The methodology in this research is of asdiscriptive and analytical nature. In this research after discussing the law of evidence in general and many schools followed by jurists regarding the role of the judge on the varies approaches, I contented that in criminal proceedings the free school is followed within certain exceptions.

In this view of fact that our law of evidence is based to great extent on rules of sharia, I have discussed the view of several Muslim Jurist in order to support my contention.

My main conclusion in evaluation of evidence is restricted only by consideration of law, equity and good conscious exercised in accordance with the rules laid down in the law and guided by the particular nature of the criminal proceedings.

I have supported this view by discussing the application of each type of evidence and drawing the comparison between the approaches adopted by courts inn civil and criminal proceedings

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Nokes, An introduction to Evidence. <sup>th</sup> edition, .p. , Sweet and Maxwell

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Cross and Wilkins, Out Lines of the Law of Evidence, th ed, p , .



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“In most legal systems the question of foreign law is looked upon as a question of fact and not of law even though normally it is a question to be decided by the judge and by the jury. Thus foreign law must be proved by properly qualified witness”

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(expert witness)

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(confession)

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"It is an error to admit into evidence part of confession, the confession must be received in toto or excluded in toto"

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**Sudan Government (Vs) Marcia Bere** “ The retraction of confession does not cancel the confession, but it put the court on inquiry the probability of being true..”

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**“Prudence and caution require any court not to rely on a confession without independent corroborative evidence. The corroboration should not only confirm the general story of the alleged crime but must also connect the accused with it, in serious crimes like murder, we never convict a person on an incorporated confession..”**

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"Castleton Ruling"

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- Davies (Vs) DPP ( ) AC, ..h I ,in Krshna Vasdev .Law of Evidence n the Sudan .

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"An accomplice is a person who had concurred in the commission of an offence. He is quantity associate in crime or partner".

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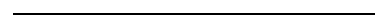
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2.  $\frac{1}{4} \times \frac{1}{5} = \frac{1}{20}$

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4.  $\frac{1}{8} \times \frac{1}{9} = \frac{1}{72}$

5.  $\frac{1}{10} \times \frac{1}{11} = \frac{1}{110}$

6.  $\frac{1}{12} \times \frac{1}{13} = \frac{1}{156}$

7.  $\frac{1}{14} \times \frac{1}{15} = \frac{1}{210}$

8.  $\frac{1}{16} \times \frac{1}{17} = \frac{1}{272}$

9.  $\frac{1}{18} \times \frac{1}{19} = \frac{1}{342}$

10.  $\frac{1}{20} \times \frac{1}{21} = \frac{1}{420}$

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12.  $\frac{1}{24} \times \frac{1}{25} = \frac{1}{600}$

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-KRISHNA VASDEV THE LAW OF EVIDENCE IN THE SUDAN LONDON BUTTER WORTH

-G D NOKES AN INTRODUCTION TO EVIDENCE <sup>TH</sup> SWEET AND MAX WEL

-Cross and Willkins.Out Line of the Law of Evidence . <sup>th</sup>ed. .

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