

Burden of Proof, Standard of Proof & Best Evidence Rule

CLW20403 Legal Evidence in Criminal
Law

Group Assignment 1

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Introduction

- • The rules of evidence ensure justice in criminal cases.
- • Key concepts: Burden of Proof (B.O.P.), Standard of Proof (S.O.P.), and Best Evidence Rule.
- • Governed by the Evidence Act 1950 in Malaysia.

Burden of Proof (B.O.P.)

- • The obligation to prove an assertion in court.
- • In criminal cases, the burden is on the prosecution.
- • Governed by Section 101 of the Evidence Act 1950.
- • Exception: Shifts to the accused in certain cases (e.g., insanity plea).

Case Law: Burden of Proof

- • Woolmington v DPP [1935] AC 462:
Prosecution must prove guilt beyond reasonable doubt.
- • PP v Muhamed Yusop: Malaysian case affirming the principle.

Standard of Proof (S.O.P.)

- • The level of certainty required to prove a case.
- • Criminal cases: Beyond a reasonable doubt.
- • Civil cases: Balance of probabilities.
- • Governed by Section 3 of the Evidence Act 1950.

Case Law: Standard of Proof

- • Miller v Minister of Pensions [1947]: Clarifies 'beyond a reasonable doubt.'
- • PP v Datuk Haji Harun: Malaysian case reinforcing the standard.

Best Evidence Rule

- • Requires original documents as evidence.
- • Governed by Section 62 of the Evidence Act 1950.
- • Exceptions: Allowed under Section 65 when original is unavailable.

Case Law: Best Evidence Rule

- • Saminathan v PP: Court emphasized the necessity of primary evidence.

Conclusion

- • Burden of Proof: Prosecution must prove guilt.
- • Standard of Proof: Beyond a reasonable doubt in criminal cases.
- • Best Evidence Rule: Original documents required unless exceptions apply.
- • Governed by the Evidence Act 1950 and supported by case law.