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Section : (A)

Assignment: Jurisprudence II

Department: B.A LLB

Submitted To: Madam Amina Anum

Topic: Probative value of evidence

Introduction:

The probative value of evidence refers to its weight or capacity to prove or disprove a fact in issue. It is the

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measure of the extent to which a piece of evidence can rationally affect the assessment of the probability of a fact.

1) Conceptual Framework:

- Definition:- Probative value describes the "logical force" or weight of evidence. Evidence with high probative value strongly supports a particular conclusion or fact.
- Admissibility:

Not all relevant evidence is admissible in court. A judge may exclude evidence if its probative value is outweighed by the risk of unfair prejudice, confusion, or misleading the jury.

2) Factors Determining Probative value:

The court considers several factors to determine the strength of evidence:

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1) Reliability:
Evidence that is scientifically verified or dependable has a higher probative value.
For example:- DNA evidence is more reliable than a vague statement.

2) Credibility:
This refers to the trustworthiness of the source. If a witness has a motive to lie, the value of their testimony decreases.

3) Directness:
Directness evidence (such as eyewitness testimony) generally has more probative value than circumstantial evidence, which requires inference.

4) Corroboration:
Evidence that is backed up by other independent facts gains significant probative strength.

3) Hierarchy of Evidence Types:

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Evidence Type	Probative Weight	Why?
DNA/ Fingerprints	Very high	Scientifically unique and hard to refute.
Primary Documents	High	Original documents are considered the "best of Evidence of their contents.
Eyewitness Testimony	Variable	Highly persuasive but subject to human error/bias.
Circumstantial	Moderate	Powerful when multiple pieces point to one conclusion.
Hearsay	Low	Generally, inadmissible because the original speaker cannot be cross-examined.

4) Legel Principles and Case Law:

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- **Section 137** (Uniform Evidence Law):

Requires a Judge to exclude evidence if its probative value is outweighed by the risk of unfair prejudice.

- **The "At its Highest" Rule:**

When determining admissibility, Judges assume the evidence is credible and consider it at its highest possible value.

- **R v Kilbourne (1973):**

This case established that relevance is a matter of degree, and the final weight of evidence is determined by the Jury.

5) Practical Challenges:

- **Forensic Evidence:**

Judges may struggle to assess the probative value of complex scientific data without expert assistance.

- **Prejudicial Impact:**

Some evidence (like a defendant's past crimes) might

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be highly probative but is often excluded because it could unfairly bias a jury.

Conclusion:

The probative value of evidence is a fundamental principle in law that ensures only relevant and reliable evidence is considered in court. It plays a crucial role in achieving fairness and justice by guiding judges and juries in evaluating evidence effectively.

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