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EXAMINATION OF THE LAW OF EVIDENCE RELATING TO
RAPE TRIALS.

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CONTENTS

Preface

Acknowledgements

Lists Of Cases

Table Of Statutes

CHAPTER I

Pages

-Introduction		
-Objectives Of The Study	.....	1 - 3
-Scope Of The Study	.....	3 - 4
-Methodology	.....	4
-Limitations	.....	5

CHAPTER II

- Elements Of Rape	.....	6
a.Rape In General	.....	6 - 8
b.Rape An Offence	.....	8 - 9
- Essentials. <u>Section 375.</u>	.....	9 - 12
-First Clause	.....	12
-Second Clause	.....	13 - 20
-Third Clause	.....	20 - 22
-Fourth Clause	.....	22 - 24
-Fifth Clause	.....	24 - 28
Under a Misconception Of Fact	...	28 - 30
Addendum	...	30 - 31

CHAPTER III

- Punishment For Rape.		
Section 376	.....	32 - 33
- Proceedings.	.....	33 - 34

CHAPTER IV

Pages

- Corroboration	....	35 - 36
- Proof Of Rape	....	36 - 37
- Purpose Of Corroboration	....	37 - 38

Matters To Be Corroborated

a. Resistance	....	38 - 41
b. Circumstances	....	41 - 43
c. Complaints/Fresh Reports	....	43 - 47
d. First Information To The Police-complaint and admissible as conduct.	.....	47 - 48
e. Distress Condition	.....	49 - 50

CHAPTER V

- Corroboration In Rape	.....	51
- When corroboration required.	.....	51 - 52
- Purpose Of Corroboration	.....	53
- Characteristics Of Corroboration.	.....	53
- Duty Of Judge/Jury	.....	54 - 55
- Accomplice Evidence	.....	56 - 58
- Child Evidence	.....	58 - 60
- Corroboration In Rape Proceedings.	.....	60 - 62
- <u>Corroboration Of</u> :		
i. Factum		
ii. Identity	....	62 - 70

CHAPTER 1

INTRODUCTION

✕ "Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and first crude stone axe. From prehistoric times to the present day the believe, rape has played a critical function. It is nothing more or less than a concious process of intimidation by which¹ all man keep all woman in a state of fear".

Objective of the Study

One of the main tasks of the past decade for women has been to get the world at large, to take times of several violence against women seriously. Violence against women has increased and is spiralling.

Rape is an act of violence against women. It is a hostile and a sadistic act. It is a violation of a women's autonomy and a negation of her independence.

All these atrocities testify to the reality of rape which is that it is an act of violence. In most of the world, it is everywhere. It is a constant daily occurence.² It is not enough to denounce the struggle against the myth of rape as an outcome of passion and overwhelming desire. These myths have to be re-examined.

The writer's objectives of the study is to highlight the existence of this processive problem in the Malaysian society. The writer will further highlight what the necessary ingredients of the crime of rape are, and what in fact must be proved in Court.

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1. Susan Brownmiller - Against our wills, 1975
Reprinted 1977
 2. See Appendix: Chart 1

The number of woman^e who goes⁹⁰ through the traumatic experience of rape is getting higher day and day. The voices^{a/e} of the rape victim is like the lone voices in the wilderness.

It is this state of affairs that the writer intends to highlight³ and analyse the victim not only suffers deep humiliation, confusion and a sense of loss of honour but also depression; insomnia, and the fear of being alone.

On top of all this when a woman does report rape re often than not she is ridiculed, and it is the rape v m rather than the rapists who ends up being put on trial. Her character is shredded and she ends up more broken than ever.³

This exists, due to the rape law trial which we have, which is a gross injustice to the woman. The writer, thus proposed to highlight the Law which exists in the Malaysian context.

Nevertheless, the writer's main objective of this paper is to examine the evidential prove required in court to prove the crime, and what actually happens in a rape trial.

3. Impeaching her credit. Section 155 (d) Evidence Act 1950