

# CURRENT ESSENTIAL ISSUES IN THE MALAYSIAN LAW OF EVIDENCE

Editor  
Akram Shair Mohamed

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Mohd Akram Shair Mohamed



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## STANDARD OF PROOF REQUIRED TO PROVE FRAUD IN CIVIL CASES

*Mohd Akram Shair Mohamed*

In a leading case *Miller v Minister of Pensions*,<sup>1</sup> Denning J when speaking of the quantum of evidence required in criminal and civil cases said:

“The degree of cogency required in a criminal case before an accused person is found guilty ... is well settled. It need not reach certainty, but it must carry a high degree of probability. Proof beyond a reasonable doubt does not mean proof beyond the shadow of doubt. The law will fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as

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1 [1947] 2 All ER 372