

CURRENT ESSENTIAL ISSUES IN THE MALAYSIAN LAW OF EVIDENCE

Editor
Akram Shair Mohamed

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Chapter 5

JUDICIAL EXEGESIS OF THE TERM PRIMA FACIE CASE IN SECTION 180 OF THE AMENDED CRIMINAL PROCEDURE CODE

Mohd Akram Shair Mohamed

In *International Times & Ors v Leong Ho Yuen* [1980] 2 MLJ 86, 87. Salleh Abas FJ said: “..... it is necessary to bear in mind the distinction between the two senses in which the expressions burden of proof and onus of proof are used. The first sense signified by the expression burden of proof as referred to in section 101 [of the Evidence Act 1950] is the burden of establishing a case and this rests throughout the trial on the party who asserts the affirmative of the issue. The second sense referred to as the onus of proof, on the other hand, relates to responsibility of adducing evidence in order to discharge the burden of proof...