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PAPER 2: MEDICINE AND MEDICAL ETHICS

TOPIC: WITNESS



- *Witness is a person who gives evidence in the court of law in relation to matters of fact under enquiry.*
- *Any person can testify as witness or give evidence*
- *Able to understand the nature of question*
- *To give relational answers to questions asked.*
- *Difficulty may arise in*



1. *Tender age*
 2. *Extremely old age*
 3. *In disease of body or mind*
- *All persons are competent to testify unless they are presented from understanding. The questions put to them or from giving rational answers to the question due to tender years or extreme old age disease.*





Types of Witness:

- *Common Witness*
- *Expert Witness*



Common Witness:

- *Is a person who gives evidence about the facts observed or perceived by him or by his own senses*
- *This principle is commonly known as FIRST HAND KNOWLEDGE*
- *Eg:A has seen B & C fighting with a stick on the road side at particular time of day.*
- *In cases of road accident the person who witnessed the accident becomes a common witness.*





Expert Witness:

- *Is a person who has been trained or is skilled in technical and scientific subject & capable of drawing opinions and conclusions from the facts observed by himself or notified by others.*
- *Eg: Doctors handwriting experts, Firearm experts, Fingerprint experts.*
- *An expert witness can give his opinion in 3 ways:*



- 1. Upon the fact which is admitted or paused by himself*
- 2. On matter of common knowledge*
- 3. An hypothetical questions based there on*
 - Hypothetical questions as asked to extract an opinion from the expert after he assumes some facts are true, even though he may not have first hand knowledge of the actual case.*



- *The expert should hesitate for a moment to give opposing lawyer the opportunity to object the questions.*
- *The answer should be given only after completely understanding the questions.*
- *Conclusions are made under the facts and it is more important than the opinion.*
- *A doctor can be both common & expert witness*
- *When he describes a wound on the body he acts as common witness .When he says that the wounds were post mortum,suicidal or accidental or gives opinion in the cause of death he acts as expert witness.*





Hostile Witness:

- *One who gives completely false evidence or supposed to have some interest or motive for concealing part of the truth.*
- *Any of the above 2 types of witness (Common & Expert witness) can be hostile.*



THANK YOU