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E-ISSN 2281-4612 ISSN 2281-3993 Academic Journal of Interdisciplinary Studies Vol 8 No 2 July 2019 51 . ReschAricle AuionnerciaDevsices (. Ramalinggam Rajamanickam 1 Mohd Safri Mohammed Na'aim 2 Tengku Nooru Zainudin 1 Zainunnisaa Abd. Rah 1 Mohd Zamre Mohd Zahir 1 Muhammad Hatta 3 1 Faculty of Law, Universiti Kebangsaan Malaysia (UKM), Malaysia 2 Faculty of Law, Universiti Teknologi MARA (UiTM), Malaysia 3 Department of Criminal Law, Universitas Malikussaleh, Aceh, Indonesia Doi: 1s-0016 Abstract One of the most common forms of evidence used by the Public Prosecutor in a courtroom to prove a case is DNA evidence.

The DNA evidence process started when the police collected the physical evidence relevant to the alleged offence at the crime scene. The collected evidence will then usually be sent to the Department of Chemistry Malaysia for DNA analysis. The chemist will extract the DNA from the relevant physical evidence by using specific techniques.

The outcome of the analysis will be used to complete the investigation of the case. Being an independent organization, the Chemistry Department strives to provide impartial forensic science analysis. Thus, from the analysis, sometimes DNA evidence does not necessarily implicate the accused with the alleged offence but may also disclose the involvement of a third party in the alleged offence that may cast doubt on the prosecution's case.

This can be seen in the Federal Court's case of Public Prosecutor v Hanif Basree Abdul Rahman [2008] 4 CLJ 1. The evidence will then be presented by the prosecution before the court to assist judges in making the right decisions. This indicates the important role played by an expert in the court decision making process.

In this context, questions always arise as to the probative value of DNA evidence given by experts in the courtroom. Can the court convict a person solely on DNA evidence? This article focuses on the position of DNA experts in Malaysia under section 45 of the Evidence Act 1950. It was found that although the DNA evidence is given by the experts, the probative value depends on the nature of the evidence itself.

Keywords: DNA evidence; Evidence Act 1950; expert evidence; probative value

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Can the Court Simply Disregard Expert Evidence? Tnext porquestiiswher nthe casim pldsregd eevdencas it not oubtepert vnce. his sdiscdthe case R Anders[11 B 304, ere hceaied " it would be equally a misdirection to tell a jury that it could disregard expert evidence which had been given by only one witness and which, if accepted, dictated one answer."

In his it clear hat gh judare o gto ccept he ence presebaexpert es he shoulnot g such ideTcourt f its o ini is of the expert's evnce. 4.4 Status of Scientific Expert Evidence If expert nce sciein at tpos itioof uch e cT princie uliniMysiin hcof ong weC hin PuPecutor[1981] MLJ 212, in ich Judaja Azlan Sha But, onpurelsciiic expevidencis o be by hcfor purpof sisting er han ellg he ion the mate gmenIn he udor y, icis qut ial the nce nd ne probiliti.It t r tto he wit court must come to its own pinion. Tabove tation arlsws whethe beft h e ge sscientific n then evince en y he xpcanbe egarb he ut.

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The Probative Value of DNA Evidence in Malaysia Althouthe NA nce s ven y h erts, probativ e e enon nature the nce sDNA is d the y prob ay. evid b treated cnclusivenvnce

and should be noted in the case of convicted (RajGupta 7). It is well established that the use of DNA evidence in State of Gujarat, 2009 Cr i. L.J. 2888 (Guj.). The evidence of DNA is not an opinion. DNA tests are objective and do not require expert testimony. The analysis of DNA is a scientific process and should be conducted by a qualified expert. The use of DNA evidence in the case of State of Gujarat, 2009 Cr i. L.J. 2888 (Guj.) is a landmark case.

In the case of State of Gujarat v. Sameer D. Muthu K. where the court held that it is not the duty of the expert to provide an opinion on the reliability of the DNA evidence. Since the evidence is not scientific, the expert's opinion is not admissible. The court held that the expert's opinion is not admissible because it is not based on scientific principles.

Other reasons for the exclusion of DNA evidence from the crime scene are that it does not establish guilt. DNA evidence is not admissible if it is not based on scientific principles. In the case of State of Gujarat v. Sameer D. Muthu K., the court held that the expert's opinion is not admissible because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles.

One of the grounds for the acquittal of the accused is that the evidence is not sufficient to prove guilt. The evidence is not sufficient to prove guilt because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles.

In the case of State of Gujarat v. Sameer D. Muthu K., the court held that the expert's opinion is not admissible because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles.

For scientific evidence to be admissible, it must be based on scientific principles. The evidence is not sufficient to prove guilt because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles.

The evidence is not sufficient to prove guilt because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles. The court held that the expert's opinion is not admissible because it is not based on scientific principles.

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