

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III EXAMINATION

CRIMINAL PROCEDURE II

8TH APRIL, 2014

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

Question One:

Ann was driving along Mombasa road when she had a tyre burst at Kibwezi around 10.00 p.m. on the 10th January 2015. She came out of her car to replace the damaged tyre. In the pitch darkness of Kibwezi as she prepared to replace the tyre, she was startled by a war cry from the bush as someone rushed towards her. Startled and shocked she screamed and ran down the road.

Gilbert who was preparing to go to sleep heard Ann's cry and ran towards her direction and found her in shock. He escorted her back to her car, and assisted in the replacement the damaged tyre. Ann at this point discovered that her laptop which was on the rear seat, her handbag and car stereo were missing.

The two drove to the nearest police station which was 20 Kilometers away and reported the theft.

On the 11th January, 2015 at about 11.00 a.m. George was accosted by Grace, a police officer acting on a tip-off, while he was attempting to sell a car stereo and a laptop to Marion, a local butcher. The items were identified by Ann as belonging to her.

- a) Advise the police on any offense (s) committed in the above set of facts.
- b) Advise on the role of each of the parties in the proceedings
- c) Draft an appropriate charge sheet

(25 Marks)

Question Two:

Discuss the following:

- a) Acquittal
- b) Discharge
- c) Double jeopardy

(15 Marks)

Question Three:

- a) What is bail pending appeal?

(5 Marks)

- b) What are the considerations courts take into account in determining applications for bail pending appeal?

(10 Marks)

Question Four:

Discuss the following in the criminal litigation process:

- a) Appeals

(5 Marks)

- b) Reviews

(5 Marks)

- c) What are the orders a court can make in an application for review or an Appeal?

(5 Marks)