



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

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JANUARY – APRIL 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 220: CRIMINAL PROCEDURE AND PRACTICE

Date: APRIL 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. Draft a charge sheet from the following facts and answer the following questions thereafter:

Facts

On the 4th of June, John Juma stole a bicycle outside Samuel John's bookshop in Tarima Township. It is also alleged that the same person, on the 6th of May 2018, assaulted one Daniel and Salome at Loito in the same town and that on 20th December 2014 at Mzengwe, he stole Kshs 20,000/= being the property of one Jone Elizabeth.

- a) Draft the charge sheet, citing the offences the accused person is charged with, while stating the particulars of the charges involved. **(9 marks)**
- b) As a charge sheet is drawn there are basic rules that ought to be followed. There are issues that will vitiate a charge sheet against the accused person. Discuss. **(9 marks)**
- c) With the support of authorities, analyse the various rules in respect of which there will be joinder of persons and joinder of counts. **(12 marks)**

Q2. The true parties in a criminal trial are the state and the accused person. As you discuss the statement, analyse the various roles of the relevant players in criminal prosecution. **(20 marks)**

- Q3. There are two predominant justice systems in criminal processes world over. As you define these justice systems, discuss the advantages and disadvantages of each system. **(20 marks)**
- Q4. There are two main systems of courts in the adjudication of criminal cases in Kenya, Uganda and Tanzania. These systems of courts give rise to special jurisdictions assigned by statute to various courts. As you discuss these systems of courts analyse the jurisdiction of various courts in criminal procedure and practice in Kenya. **(20 marks)**
- Q5. The Kenyan Constitution 2010 makes enormous provisions on criminal procedure and practice in Chapter 4 of the Bill of Rights. With the supports of various authorities analyse these provisions and discuss the procedure courts may use it to vindicate these rights. **(20 marks)**

END