



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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

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AUGUST – DECEMBER 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 220: CRIMINAL PROCEDURE AND PRACTICE

Date: DECEMBER 2018

Duration: 2 Hours

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

Q1. Mr and Mrs Ojok were woken up by inside their house around midnight on the 20<sup>th</sup> December 2017. Three invaders quickly entered their bedroom and ordered them to utter no word. The gang leader named JanamLer, kept watch over the couple as the other two gang members Mani Tele and Jicho Kali, combed the rest of the rest of the house.

They picked the family TV; five cell phones and two lap tops. The two gang stars then wandered off into the children's bedroom where the couple's daughter, Idol Ojok, was asleep. They raped her in turns and picked her Ipad before re-joining the leader and escaping from the house.

Later Mr and Mrs Ojok realized that the gang had cut a window grill in their bedroom to gain entrance. The couple called the police at once. Eight men answering to the descriptions the couple had given the police were arrested in the vicinity. The men are in police custody.

- a) What criminal offence (s) did the gang stars commit? **[5 marks]**
  - b) Describe the legal procedure the police is likely to follow in adequately identifying the suspects **[10 marks]**
  - c) Draft the appropriate charge sheet[s] **[15 marks]**
- Q2 Explain how the Director of public Prosecution controls criminal prosecutions in Kenya. **[20 marks]**

- Q3. a) What is bail and what is its legal basis in Kenyan criminal justice system? [5 marks]  
b) State any three objectives of bail [3 marks]  
c) Describe any six principles that guide in the grant or denial of bail. [12 marks]
- Q4. Outline the plea-taking process where:  
a) The accused pleads not guilty [12 marks]  
b) The accused pleads guilty..... [8 marks]
- Q5 Outline the legal essentials of writing a judgment at the conclusion of a criminal trial. [20 marks]

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