



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

FIRST YEAR EXAMINATION FOR THE AWARD OF
THE DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2023/2024
(AUGUST-DECEMBER, 2023)

LLBK 127: CRIMINAL PROCEDURE LAW

STREAM: Y1 S1

TIME: 2 HOURS

DAY: FRIDAY, 9:00 – 11:00 PM

DATE: 17/11/2023

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Saidi and her husband are your next door neighbours. Her husband often goes missing for long periods of time. Due to the fact that you are her lawyer and friend, Saidi confides in you. She often states that she suspects her husband is up to some mischief as he does not tell her where he disappears to. Recently, after many weeks of his absenteeism from home, she heard that her husband had been arrested by the police for armed robbery. Saidi is clueless about the criminal procedure process in Kenya, thus has come to you for help.

- Briefly explain to Saidi the general overview of the criminal procedure process in Kenya. **(20 marks)**
- Highlight to Saidi the various rights that her husband has **(10 marks)**

QUESTION TWO

Discuss the structure and jurisdiction of the criminal courts in Kenya.

(20 marks)

QUESTION THREE

You are a seasoned criminal law practitioner. You have been invited by Commandant Kaseri to give a talk at the newly established Kenya National Police Academy. Educate the police students on the following:

- a) Arrest with warrant
- b) Arrest without warrant
- c) Identification parade
- d) Contents of a police file

QUESTION THREE

Your friend Katitu has just been arrested at the Jomo Kenyatta International airport. He has been accused of drug trafficking and is expected to be arraigned at the JKIA court tomorrow morning. He has called you to advise him on the types and nature of pleas and the difference between a bail and a bond.

(20 marks)

QUESTION FOUR

You are a highly experienced judge. You have been invited by the Kenya Judiciary Academy to give a talk to young magistrates on how to write a judgement and explain the sentencing process.

(20 marks)

QUESTION FIVE

As a prosecutor working under the Office of the Director of Public Prosecutions, draft a memo to your new intern from Kenya School of law regarding the contents of an advocate's file, the contents of a court file and the purpose of diversion in criminal matters.

(20 marks)