



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

SPECIAL EXAMINATIONS
FIRST YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)

LLBK 111: CRIMINAL LAW

STREAM: Y1 S1

TIME: 2 HOURS

DAY: THURSDAY, 11:30 – 1:30 P.M.

DATE: 21/07/2022

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

Reverend Ocha is the leader of a large congregation that meets every Saturday afternoon at his residence for their services. They call themselves “Ocha Fire Ministry” and have a Holy-guidance Book from where they get their spiritual nourishment. Reverend Ocha has convinced his congregation that the Holy-guidance book was delivered from heaven millions of years ago. Unknown to the congregation, the Holy-guidance book was actually written by Reverend Ocha himself. According to the Holy-guidance Book, the world is coming to an end on the 20th September 2012. Reverend Ocha has convinced his congregation that it is better to be dead by the time the world ends because then they will go to heaven “directly”. So he organizes for the “direct flight” to heaven by gathering all his followers in one room where he sprays them all with petrol and sets them ablaze. Three quarters of the congregation including Reverend Ocha are saved by the fire brigade which responds to a fire alarm from neighbours while the rest perish in the fire. Reverend Ocha has now been

arrested and is likely to be taken to court and has approached you for advice on the likely offences he may be charged with.

- a) What is your advice to Ocha concerning the charge that he is likely to face (15 Marks)
- b) Explain the Rights of an arrested person as enshrined in the Constitution. (15 Marks)

QUESTION TWO

Discuss the basic objectives of Kenya's criminal law with specific reference to the Penal code, Cap 63, Laws of Kenya. (20 Marks)

QUESTION THREE

“There is a presumption that mensrea, an evil intention, or knowledge of the wrongfulness of the act, is an essential ingredient in every offence; but that presumption is liable to be displaced either by the words of the statute creating the offence or by the subject-matter with which it deals, and both must be considered.”

(As per Wright, J. In Nicholls V Hall L.R. & C.P. 322)

Explain the various presumptions in criminal law (20 Marks)

QUESTION FOUR

You have been invited by the “Nairobi Association of Smart Kids” (NASK) to give a lecture in a conference they have organized on the topic “PARTIES TO OFFENCES” You gladly accept the invitation.

Let them hear you. Avoid verbosity. (20 Marks)

QUESTION FIVE

Write explanatory notes on the following

- a) Burglary and house-breaking (5 Marks)
- b) Strict liability (5 Marks)
- c) Felonies and misdemeanor (5 Marks)
- d) Any two characteristics of criminal law (5 Marks)