

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM III EXAMINATION

CRIMINAL PROCEDURE II (DPS - 210)

28<sup>TH</sup> MARCH, 2019

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

Pumba is a 21 year old, male student, undertaking his studies at a local polytechnique. One day on his way home he comes across a mob of protesters demonstrating against the local Member of Parliament who has been implicated in a corruption scandal. The mob is armed with all manner of crude weapons including stones and sticks.

Pumba who wants nothing to do with the protesters, steps aside and watches the mob pass him by, much to his amusement. As the mob is making its way down the street, Pumba continues his journey towards his home. However as he makes his way around the corner, he is confronted by the riot police who have been deployed to manage the irate mob. To Pumba's surprise, he is flagged down by the police officers and ordered to lie down on the ground. Despite Pumba's protests that he was not part of the mob, he is arrested and taken to the nearest police station. He is however, later released on police bond and advised to show up in Court the following week.

Pumba approaches you well aware that you are a knowledgeable student, pursuing a Diploma in Law in Paralegal Studies.

- a) Advise Pumba on procedural steps of a criminal trial that he should be keen on, as his date to appear in Court approaches. **(15 marks)**
- b) Highlight the possible defenses Pumba can rely on if the prosecution establishes *a prima facie* case against Pumba upon close of their case. **(10 marks)**

### Question Two

Clearly illustrate the contents of the prosecution file in a criminal case.

**(15 marks)**

### Question Three

Write short notes on the following:

- a) Cross-examination **(3 marks)**
- b) Transfer of cases **(3 marks)**
- c) Mitigation **(3 marks)**
- d) Expert witnesses **(3 marks)**
- e) *Voire dire* trial **(3 marks)**

**Question Four**

Discuss the importance of effective sentencing in breaking the cycle of crime in Kenya.

**(15 marks)**

**Question Five**

a) Using cases distinguish between an appeal and revision of a criminal case.

**(10 marks)**

b) What are the contents of a judgment in a criminal case.

**(5 marks)**

**Question Six**

"The role of a prosecutor in a criminal case is to advocate for the interests of the complainant while upholding the rights of the accused". Discuss.

**(15 marks)**

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**END**

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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM III EXAMINATION

CRIMINAL PROCEDURE II

29<sup>TH</sup> MARCH, 2018

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

Njaramba is a young man battling drug addiction. He started substance abuse when his parents died in a road accident. Without any gainful employment; he turned to a life of drugs and crime. However he desires to return to his studies and pursue a career in law.

One day as he was roaming the streets of Nairobi, he noticed a smartly dressed lady whom he decided to follow with the hopes of getting an opportunity of robbing her of her valuables. The lady was heading to a car park where her car was located. Njaramba keenly observed the lady from a distance as he waited for the right opportunity to pounce on her. Once the lady opened the car door, Njaramba leaped on her from behind, hitting her on the head. She fell down unconscious and Njaramba quickly bundled her into the back seat and drove off.

Njaramba drove deep into Ngong forest away from public view. He then searched the car for valuables and found 2 mobile phones and Kshs.50,000. As he stashed the loot into his pockets, the lady regained consciousness. Shocked and afraid, she pleaded for her freedom. Noticing her vulnerability, Njaramba became aroused and tried to sexually assault her. In the process of undressing the lady he came back to his senses. He apologized to the lady and stepped out of the car. Realizing what he had done he returned the mobile phones and the money. Njaramba left the scene and immediately surrendered to the police.

He confessed to his crimes adding that it was the drugs and harsh conditions of life that had pushed him to commit the acts. He was however remorseful.

In her witness statement, the lady Njaramba had accoused admitted that Njaramba could have raped her but he didn't. She was sympathetic to his case and concluded that Njaramba needed help.

The prosecution is contemplating charging Njaramba with attempted rape and robbery with violence.

- a) As a student of law addressing yourself to the above set of facts, discuss the various options the prosecution would consider in prosecuting Njaramba. (15 marks)
- b) Explain 5 factors that would be considered before sentencing Njaramba if he was convicted of the said offences. (10 marks)

### Question Two

Discuss the role and procedure of identification parades in Kenya. (15 marks)

### Question Three

- a) Explain the circumstances under which a change of plea can be entered. (10 marks)
- b) Distinguish between the plea of *autre fois acquit* and *autrefois convict*. (5 marks)

#### Question Four

- a) Outline 5 key requirements of a judgement. (5 marks)
- b) Discuss the meaning and significance of a *prima facie* case in the criminal trial process. (10 marks)

#### Question Five

Write concise notes on the following:-

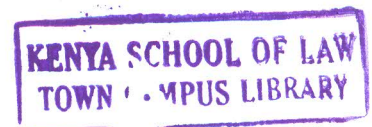
- a) Witnesses of unsound mind. (3 marks)
- b) Re-examination of witnesses. (3 marks)
- c) Hostile witnesses. (3 marks)
- d) Concurrent and consecutive sentences. (3 marks)
- e) Production of exhibits. (3 marks)

#### Question Six

- a) Under what circumstances can the High Court transfer cases from one subordinate court to another? (5 marks)
- b) Elaborate on the appellate jurisdiction of the High Court in criminal matters. (10 marks)

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END



THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM III EXAMINATION

**CRIMINAL PROCEDURE II**

29<sup>TH</sup> MARCH, 2017

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

One evening as Mr. Constance Onyango is closing his M-pesa shop, he is suddenly approached by several rowdy youth. They appear drunk and are acting in an unruly manner. One of the young men approaches Constance and requests that he join them for a drink to celebrate the victory of their favourite football club, that had just won a match. Constance declines. The young man does not take this well and starts heckling Constance. Constance panics and starts shouting for help. A police patrol vehicle that is doing rounds in the area is attracted by the melee and quickly rushes to the scene. Without warning, Constance and the rowdy youth are cornered and ordered to lie down. They are searched and several items are recovered, including empty bottles of "Waragi" dry gin and football paraphernalia.

Constance wallet is confiscated along with Kshs.25,000 cash and his Samsung edge mobile phone. Constance is then handcuffed and bundled into a lorry together with the rowdy youth. They are ferried to Kibera Police Station where they are detained. Constance tries to plead his case by asserting that he is not part of the rowdy group but his pleas fall on deaf ears. Before Constance is arraigned in Court the next day he is casually alerted by one of the police officers that he has been charged with being drunk and disorderly. He is advised to plead guilty by his fellow remandees. However, when his turn to take plea in court arrives, Constance pleads not guilty. He is then given a hearing date set for the 16<sup>th</sup> of April, several days later, after which he is taken back to remand. Having no access to his mobile phone, he has no way of communicating with his family or his lawyer. He resigns to his fate and patiently awaits for his day in court.

- a) Discuss Mr. Constance Onyango's rights in the above scenario. (15 marks)
- b) What would be the likely contents of the prosecution file in the above case? (5 marks)
- c) Outline the structure of the charge sheet. (5 marks)

### Question Two

Write short notes of the following:

- i) Transfer of cases (3 marks)
- ii) *Voire dire* process (3 marks)
- iii) Private prosecutions (3 marks)
- iv) Character witness. (3 marks)
- v) Production of exhibits. (3 marks)

### Question Three

- a) Outline the contents of a judgement in a criminal case. (10 marks)
- b) The presumption of innocence is of fundamental importance in carrying out a fair trial. Explain. (5 marks)

### Question Four

The questioning of witnesses could make the difference between the acquittal or conviction of the accused. Discuss. (15 marks)



**Question Five**

- a) Explain the term *prima facie*. (5 marks)
- b) What is the right against self-incrimination in a criminal trial? (10 marks)

**Question Six**

The differences in sentencing for offenders who have committed the same offence in Kenya is a big challenge in the administration of criminal justice. In light of the above statement, discuss sentencing in Kenya and recommend solutions to the above problem. (15 marks)

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**END**



THE KENYA SCHOOL OF LAW  
DIPLOMA IN LAW (PARA-LEGAL STUDIES)  
2<sup>ND</sup> YEAR TERM 3

CRIMINAL PROCEDURE II – DPS 210

29<sup>TH</sup> MARCH, 2016

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:**

Momo and Mumu went to Mimi's house at 10.00 a.m., they broke the main door which triggered an alarm. They took off before they could take the Samsung 56" TV set they had intended to take.

Upon reaching their hideout an argument ensued between them regarding some money Momo had lent Mumu who had taken long to repay. Mumu struck Momo on the head causing him serious injuries. Neighbours who heard the scuffle rushed to the house and rushed Momo to hospital. Mumu was apprehended and handed over to the police. Unfortunately, Momo succumbed to his head injuries two days later.

Draft an appropriate charge sheet (s) for any offence(s) disclosed.

**(25 marks)**

**QUESTION TWO:**

- a) What is bail pending appeal?
- b) What considerations do Courts take into account when determining applications for bail pending appeal? **(15 marks)**

**QUESTION THREE:**

- a) What is an inquest?
- b) Describe the procedure during an inquest. **(15 marks)**



**QUESTION FOUR:**

- a) Describe the role of each of the listed persons in the criminal trial process;
  - i) Witness
  - ii) Prosecutor
  - iii) Judicial Officer**(15 marks)**

**QUESTION FIVE:**

- a) Identify offences that are tried before the High Court as a trial Court.
- b) Describe the trial process before the High Court from inception to conclusion. **(15 marks)**

**QUESTION SIX:**

- a) What is sentencing?
- b) Identify and explain some of the considerations Courts take into account in sentencing. **(15 marks)**

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM III EXAMINATION

CRIMINAL PROCEDURE II

8<sup>TH</sup> APRIL, 2015

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 10<sup>th</sup> 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 11<sup>th</sup> 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)**

**Question Six:**

With the aid of decided cases, discuss the place of mandatory death sentence in the Kenya Criminal Justice System.

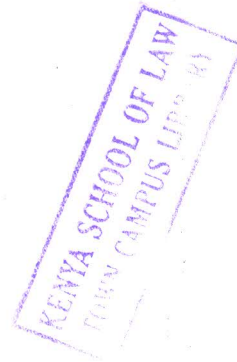
(15 Marks)

**Question Seven:**

What is the role of the following bodies in the criminal justice system.

- a) Police
- b) Ethics and Anti-Corruption Commission
- c) Director of Public Prosecutions

(15 Marks)



KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM III

CRIMINAL PROCEDURE II

MONDAY 24<sup>TH</sup> MARCH, 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

1. Sentencing is the process (stage) in Criminal Procedure at which a court of law of competent jurisdiction makes an order after convicting the accused, as to the specific penalty to be meted out to such criminal – *Handbook on Criminal Procedure in Kenya – PLO Lumumba*.

a) With reference to the above statement, explain **FOUR** types of sentences. **(8 marks)**

b) Describe how the High Court exercises its revision jurisdiction. **(6 Marks)**

c) “In a measure that is partly intended to foster accountability and meet the ever present danger of cover-up and impunity associated with extra-judicial killings and the impracticability of the police investigating themselves where they are the primary suspects, it is mandatory for an inquest to be held.

*Essentials of Criminal Procedure*, at page 210 – Patrick Kiage. Explain under which circumstances it is mandatory for an inquest to be held.

**(8 Marks)**

d) Describe *Habeas Corpus*. **(3 Marks)**

2. Lerato Somoina was charged with murder contrary to Section 203 as read with Section 204, of the Penal Code. She filed an application before court to be released on bail. The application was filed in court before the plea was taken and while she was still in Police custody. She was arrested and arraigned in court on 19<sup>th</sup> February, 2014. The application has been certified urgent to be heard on the 31<sup>st</sup> March, 2014.

a) Describe the circumstances under which bail would be available for persons charged with capital offences. **(4 Marks)**

b) Explain any **FIVE** principles that the court would consider while exercising its power to grant bail. **(10 Marks)**

c) Cite the relevant case that considered the issue in the above discussion. **(1 Mark)**



3. Mwanaisha Zake was charged with one count of being in possession of chang'aa. At the plea taking stage the information was read out to her and she was required to plead. The following is what transpired in court:

Court - *"The substance of the charge and every element thereof has been stated by the court to the accused person in the language she understands, who on being asked whether she admits or denies the truth of the charge replies - 'I unlawfully had chang'aa'"*

K. J. MAWILI  
S.P.M.

Pros - *Facts as per charge Sheet*

K. J. MAWILI  
S.P.M.

Court - *Accused convicted on own pleas of guilty*

K. J. MAWILI  
S.P.M.

- a) Describe the FOUR requirements for a plea of guilty as codified in the case of *Adan vs Republic [1973] EA 45*.  
(8 Marks)
- b) Explain the rationale the Appeal court deduced in finding that a conviction could not result out of the plea taken by the accused in the trial court.  
(6 Marks)
- c) State the relevant case in point on the above proceedings before the court.  
(1 Mark)

4. Akili Moja was charged with the offences of failing to comply with the provisions of the Employment Act, 2009 before the Industrial Court in *Industrial Court Case No. LX 42 of 2013*. He pleaded not guilty and was released on cash bail. On 28<sup>th</sup> June 2013, the prosecutor applied to withdraw the charges and upon there being no objection by counsel for the accused, the court marked the charges as withdrawn and the accused was discharged and the cash bail refunded.

Akili Moja was thereafter charged for the same offence(s) in Nairobi Criminal Case No.9728 of 2013. He feels aggrieved from the actions of the prosecution in the latter and seeks your advice as he feels his right against double jeopardy has been breached.

- a) Explain whether the right so prescribed on the constitution is available to Akili Moja.  
**(6 Marks)**
- b) Identify the relevant case law on point that contains the point for determination.  
**(1 Mark)**
- c) Explain the difference between a hostile witness and a refractory witness during the trial process.  
**(8 Marks)**

5. Oledume was arrested on suspicion of having assaulted his neighbor Jogoo. He was arraigned in court where he pleaded not guilty and the court has set his trial to start on 15<sup>th</sup> July, 2014. Oledume is bitter about the case and attributes it to a boundary dispute with his neighbor. He claims that Jogoo had promised "to send him away on a long Journey" and by the time he comes back the problem will have been sorted. He intends to put up a strong defence and he believes for victory to be his, he has to understand the trial process. He has requested you to do a write up for him on the trial process.

Prepare a detailed write up for Oledume on the trial process.

**(15 Marks)**

6. Kameme, a trader, was arrested and charged with handling stolen goods contrary to section 322 of the Penal Code at the Magistrates Court. She is dissatisfied with the conviction that has been handed down to her and would like to appeal.

- a) List for her the only circumstances under which the court will interfere with the decision of the trial court;  
**(4 Marks)**
- b) Explain for her what orders the appeal court may make.  
**(11 Marks)**

**KENYA SCHOOL OF LAW**



**DIPLOMA IN LAW (PARA-LEGAL STUDIES)  
2<sup>ND</sup> YEAR TERM III**

**CRIMINAL PROCEDURE II**

**THURSDAY 4<sup>TH</sup> APRIL 2013**

**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

- a) Kamau Mulebo has been arrested and charged with robbery with violence contrary to Section 296 of the Penal Code. He has been arraigned in court where the charge is read out to him in open court. When he is asked how he would plead, Kamau Mulebo remains silent. Even after re-reading the charge in a way Kamau Mulebo will understand, he still remains silent. Explain the provisions of the relevant statute with regard to the options available to the court in this situation. **(12 marks)**
- b) Assuming that Kamau Mulebo pleads Not Guilty, describe the procedure of the conduct of the case, if the court considers that there is *prima facie* evidence that the accused committed the offence and the accused elects to call witnesses, but not give evidence himself or make an unsworn statement. **(12 marks)**
- c) Name, the person who is charged with the duty to prosecute for the state in such a case. **(1 mark)**

## QUESTION TWO

- a) Explain the rules of delivery of judgement under the provisions of the Criminal Procedure Code (Cap.75, Laws of Kenya) **(10 marks)**
- b) Upon the entering of a guilty verdict, explain the provisions of the Criminal Procedure Code concerning the rest of the procedures until conclusion of the case. **(5 marks)**

## QUESTION THREE

- a) Define a 'sentence' in criminal law. **(1 mark)**
- b) Describe **SEVEN** sentences available under the provisions of the Penal Code (Cap. 63, Laws of Kenya). **(14 marks)**

## QUESTION FOUR

Write brief explanatory notes on the following:

- a) Petition of appeal **(5 marks)**
- b) Memorandum of appeal **(5 marks)**
- c) Options open to the appellate court upon conclusion of an appeal hearing. **(5 marks)**

## QUESTION FIVE

- a) Distinguish between the terms 'appeal' and 'revision' **(5 marks)**
- b) Describe how the courts can exercise their revisionary jurisdiction. **(10 marks)**

## QUESTION SIX

- a) Describe the objective of a motion for re-trial **(5 marks)**
- b) Explain the procedure for re-trial **(10 marks)**

COUNCIL OF LEGAL EDUCATION



*DIPLOMA IN LAW (PARA-LEGAL STUDIES)*

**CRIMINAL PROCEDURE II**

THURSDAY 12<sup>TH</sup> MAY, 2011

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

You are a Programme Officer with a legal Non-Governmental Organization based in Nairobi. The director of the NGO has requested you to prepare a seminar paper on the subject of criminal trials in the subordinate courts in Kenya. The seminar is to be attended by a group of youth leaders who are training as community para-legal workers.

Prepare your seminar paper highlighting the following key areas:

- (a) Arrest
- (b) Arraignment
- (c) Bail/Bond
- (d) Trial
- (e) Determination

{25 marks}

#### QUESTION TWO

Describe in detail the contents of a judgement in a criminal case.

{15 marks}

#### QUESTION THREE

Discuss the object of mitigation in the criminal justice system and explain the legal position of the same in capital offences.

{15 marks}

#### QUESTION FOUR

Distinguish between the terms "revision" and "appeal" in the context of criminal procedure in Kenya.

{15 marks}

#### QUESTION FIVE

Critically analyze the various forms of sentences that a trial magistrate may mete out to a convict and their relevance in the criminal justice system.

{15 marks}

#### QUESTION SIX

(a) Explain with the aid of case law the concept of prima facie case in criminal trials and indicate the stage at which the concept is applicable.

{7 marks}

(b) Write a short brief or statement on what immediately transpires when the trial court rules that a prima facie case has been made out and the legal consequences thereof.

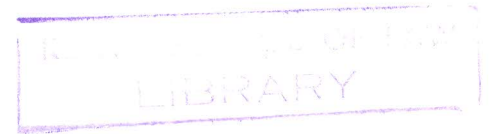
{8 marks}

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COUNCIL OF LEGAL EDUCATION



*DIPLOMA IN LAW (PARA-LEGAL STUDIES)*



**CRIMINAL PROCEDURE II**

**THURSDAY 3<sup>RD</sup> FEBRUARY, 2011**

**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

Critically discuss the concept of bail in criminal cases and explain whether bail is a legal impediment in the criminal justice system. {25 marks}

### QUESTION TWO

Misiko Papa was recently employed as a security guard by Black Berry Security Services and was deployed as a guard at Kilima Mbogo Enterprises, a microfinance institution situated at Sawa, Bokoli Constituency, Bungoma County. On the night of 22<sup>nd</sup> November 2010 while on duty, Papa noticed a four wheel drive vehicle (Nissan Xtail) fast approaching the Bank. All of a sudden it screeched to a halt. Four hooded men came out and unsuccessfully tried to force the bank doors open. By then, Papa had realized that these were armed thugs and luckily he managed to switch on the alarm which went off. The sound of the alarm drew the attention of police on patrol who dashed to the scene and a shootout ensued. The police managed to shoot the tyres of the car thereby curtailing the imminent escape of the armed robbers. They all threw in the towel and surrendered. They were consequently arrested and taken to Bokoli police post. The men were identified as Kizito, Momanyi, Ankole and Bulawazi respectively.

(a) As the investigating officer, you have been detailed to prepare a charge sheet prior to the arraignment in court. Describe the contents of a charge sheet. {10 marks}

(b) Draw the charge sheet. {5 marks}

### QUESTION THREE

Andrew Dickens, a photojournalist working with Boaz Entertainment has been arrested and charged with the offence of defilement and attempted rape contrary to the relevant provisions of the Sexual Offences Act, 2006.

(a) Discuss the rights of Dickens that are enshrined in the Constitution {8 marks}

(b) Dickens has pleaded guilty to the charges leveled against him but it later emerges that the plea was involuntary and was entered as a result of coercion.

Advise Dickens on the legal position in the light of the foregoing. {7 marks}

### QUESTION FOUR

With respect to prosecutions and institution of criminal cases in Kenya, discuss the various types of prosecutions envisaged under our constitution noting to distinguish the constitutional positions under the old and the new dispensation.

{15 marks}



### QUESTION FIVE

Discuss the concept of plea bargaining and its relevance and/or significance in the Kenyan criminal justice system. {15 marks}

### QUESTION SIX

With the aid of statutory law and decided cases write short notes on the criminal jurisdiction of the following courts:

- (a) Supreme Court
- (b) Court of Appeal
- (c) High Court
- (d) Subordinate Courts

{15 marks}

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YR 2

Essay Question

“The right to a fair hearing is based on the premise that the accused is presumed innocent until proven guilty” Bearing in mind the above statement, discuss in detail the substance of the right to a fair trial, using relevant statutory provisions, highlighting how this right originates from the presumption of innocence, if at all. (15 marks)

Subj to fair trial  
→ relevant statutory provisions  
→ the right originates from innocent  
until proved guilty.