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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM I EXAMINATION

CRIMINAL PROCEDURE – PTP 202

14TH DECEMBER, 2021

DURATION: 2 HOURS

Instructions to Candidates

1. Answer Question **ONE** and any other **THREE** Questions
2. Question **ONE** carries **25 Marks**
3. All other questions carry **15 Marks** each

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QUESTION ONE:

- a) List and explain the functions of the Director of Public Prosecutions as per Art 157 (6) of the Constitution of Kenya 2010. (6 marks)
- b) Explain the term "*nolle prosequi*". (3 marks)
- c) Distinguish the significance of the 'standard of proof' and 'burden of proof' in criminal proceedings. (10 marks)
- d) Distinguish between the misdemeanors and felonies. (6 marks)

QUESTION TWO:

Write short notes on the following:

- a) Strict liability offences (3 marks)
- b) *Prima facie* case (3 marks)
- c) *Autre fois acquit* (3 marks)
- d) *Autre fois convict* (3 marks)
- e) Re-examination (3 marks)



QUESTION THREE:

Discuss in detail the rights of an arrested person as per Article 49 of the Constitution of Kenya 2010.

(15 marks)

QUESTION FOUR:

- a) What is the importance of the Victim Impact statement before sentencing. (3 marks)
- b) Name six (6) factors to consider before granting or denying an accused person bail. (12 marks)

QUESTION FIVE:

- a) Distinguish between joinder of persons and joinder of charges. (5 marks)
- b) What is the effect of duplicity in a charge? (5 marks)
- c) Explain how to write proper particulars of a charge in a charge sheet. (5 marks)

QUESTION SIX:

- a) Explain the process of a criminal trial from taking of plea to sentencing. (10 marks)
- b) List Five (5) key factors to consider in an examination-in-chief of a witness. (5 marks)

END