

COURSE OUTLINE

COURSE : CRIMINAL PROCEDURE 1
COURSE INSTRUCTOR : ROBIN BUSOLO
rnbusolo@yahoo.com
0716435689

COURSE OBJECTIVE AND OUTCOME

To introduce the student to the practice and procedure of crime and criminal law and to help acquaint the student with the knowledge as to what transpires when a person is suspected of commission of a criminal offence, until when he is convicted of such offence. It is anticipated that at the end of the course students will be familiar with criminal practice and procedure.

COURSE INSTRUCTION AND ASSESSMENT

The course would be delivered through a system of interactive lectures, class discussions, oral presentations and research. Students are encouraged to undertake research and engage in advance reading of the reference material in advance prior to the class.

The course would be assessed by way of a coursework and unwritten examination at the end of the semester.

COURSE STRUCTURE

1. NATURE OF CRIMINAL PROCEEDINGS (Prosecutions)

- What are Criminal Proceedings?
- At whose instance are criminal proceedings instituted? – A.G, D.PP, Police, Central Government, Local Authorities, Private Person
- Types of Criminal Proceedings
 - (Public Prosecutions)
 - (Private Prosecutions)

2. CRIMINAL COURTS/JURISDICTION

- Jurisdiction – what is jurisdiction?
- The Court of Appeal
- The High Court

- The Subordinate Courts
- Statutory Courts (Immigration Courts, Environmental Courts e.t.c)

3. ARREST AND WARRANTS

- What is arrest
- Types of arrest
 - Arrest by police
 - Arrest by private person
- Warrant: What is a warrant?
- Arrest with a warrant
- Arrest without a warrant
- Search warrants

4. CHARGES AND INFORMATION

- What is a charge
- What is information
- What is a court
- Joinder of counts and of accused persons
- Drafting of charges
- Duplicity of charges
- Ammendment of charges

5. PLEA

- What is a plea
- At what stage is a plea taken
- Plea of guilty
- Plea of not guilty
- Plea bargaining agreements
- Application for witness statements

6. BAIL AND BOND

- What is Bail
- What is Bond
- What is Surety
- Types of Bail
 - ✓ Anticipatory Bail
 - ✓ Bail pending trial
 - ✓ Bail pending appeal

- Conditions precedent for grant of bail

7. COURSE REFERENCE MATERIAL

1. STATUTE:

- i. The New Constitution
- ii. The Penal Code
- iii. The Criminal Procedure Code
- iv. The Evidence Act

BOOKS

1. P.L.O Lumumba "Criminal Procedure in Kenya"
2. Mommanyi Bwamonga "Principles of Criminal Law in Kenya"
3. Archhold Criminal Law and Pleadings

CASELAWS (would be provided in the course of the lecture).



KENYA SCHOOL OF LAW



COURSE OUTLINE CRIMINAL PROCEDURE
Prepared by Mr. Willis Otieno

This course is about the criminal trial process. At the end of the course, learners will be expected to understand the criminal trial process right from initiation of proceedings to the end of the criminal justice process. This will involve an appreciation of the various stages in the process including filing of a complaint, arrest, arraignment in court, charges and information, plea taking, bail and bond, the trial process, case to answer, judgment and sentencing.

A competent understanding of this course will require an appreciation of criminal law and its own processes. Criminal procedure is the due process through which an accused person is processed through the justice system to determine their guilt or otherwise. It aims to ensure justice to the accused persons and justice to the victims of the offence. Criminal law regulates offences while procedure regulates the process of accessing justice.

Main source of Criminal Procedure is the Criminal Procedure Code Cap 75 L.O.K. Learners will also make references to the Constitution and other Statutes regulating criminal conduct including the Penal Code Cap 6; the Anti Corruption and Economic Crimes Act (ACECA) on corruption and related crimes, the Proceeds of Crime and Anti Money Laundering Act on money laundering and related crimes, the Elections Act 2011 on election offences etc.

Course Content

- a) Nature of Criminal Proceedings
- b) Arrests

- i. Arrests without a warrant
 - ii. Arrests with a warrant
- c) Charges and Information
 - i. Drafting of a charge sheet
 - ii. Joinder of Parties
 - iii. Joinder of Counts
 - iv. Amendment of Charges
- d) Plea Taking
- e) Bail and Bond
- f) Trial Process
 - i. Prosecution Case
 - ii. Case to Answer
 - iii. Defence Case
 - iv. Exhibits
- g) Judgment
- h) Mitigation
- i) Sentencing