

CHUKA



UNIVERSITY

**UNIVERSITY EXAMINATIONS**

**THIRD YEAR EXAMINATION FOR THE AWARD OF DEGREE  
OF BACHELOR OF ARTS IN CRIMINOLOGY AND SECURITY STUDIES**

**CRSS 304: CRIMINAL PROCEDURE**

**STREAMS: BA (CRSS) Y3S2**

**TIME: 2 HOURS**

**DAY/DATE: WEDNESDAY 11/4/2018**

**2.30 P.M. – 4.30 P.M.**

**INSTRUCTION: ANSWER QUESTION ONE AND ANY OTHER TWO QUESTIONS**

**QUESTION ONE**

- (a) Discuss the rules in regard to making a complaint under the Kenyan criminal procedure code. [10 marks]
- (b) Explain legal error as a ground of appealing a verdict of guilty in a criminal case. [4 marks]
- (c) Explain trial as provided under sec 73 and sec 74 of the criminal procedure code. [10 marks]
- (d) There is no standard structure of what a judgment should look like but we have a structure of what the judgment must contain, explain what must be contained in a judgment. [6 marks]

**QUESTION TWO**

- (a) Discuss the content and how summons are served to various parties and consequences of disobeying it. [12 marks]
- (b) Kali was involved in a fight with Sam on board a cruise ship that was at the high seas as he was on holiday and Sam was injured and lost a lot of blood on arrival at Mombasa port Sam died, decide the place where Kali will be prosecuted and give reasons.[8 marks]

**QUESTION THREE**

- (a) Explain the following as used in criminal Procedure Code.
- (i) Exculpatory information [2 marks]
  - (ii) Factual basis for the plea [2 marks]
  - (iii) Preemptory challenge [2 marks]
  - (iv) Demonstrative evidence [2 marks]
  - (v) Plea negotiations [2 marks]
- (b) Discuss arrest as provided under section 21 and section 22 of the criminal procedure code. [10 marks]

**QUESTION FOUR**

- (a) Explain what happens in plea taking stage of the criminal procedure. [8 marks]
- (b) Explain the transfer of partly heard cases and where offence committed outside jurisdiction between magistrates as provided by Kenya Criminal procedure code. [12 marks]