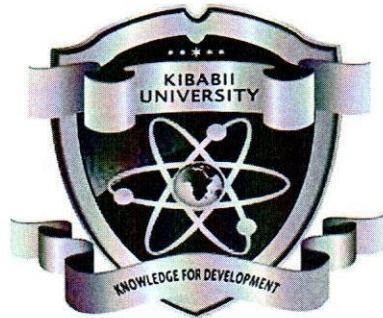


07 10



(Knowledge for Development)

**KIBABII UNIVERSITY
(KIBU)**

**UNIVERSITY EXAMINATIONS
2021/2022 ACADEMIC YEAR
MAIN**

**FIRST YEAR SECOND SEMESTER EXAMINATIONS
FOR THE DIPLOMA
IN
CRIMINOLOGY & CRIMINAL JUSTICE**

COURSE CODE: DCR 063

COURSE TITLE: CRIMINAL LAW AND PROCEDURES

DATE: 28TH/01/2022

TIME: 2PM-4PM

INSTRUCTIONS TO CANDIDATES

Answer question one (compulsory) and any other two questions

TIME: 2 Hours

KIBU observes ZERO tolerance to examination cheating

This Paper Consists of 2 Printed Pages. Please Turn Over. ►

Question One

- a) Define the following terms as used in Criminal law
 - i. Crime (2marks)
 - ii. Mens rea (2 marks)
 - iii. Criminal law (2 marks)
 - iv. Prima facie evidence (2 marks)
 - v. Cognizable offenses (2 marks)
 - vi. Actus reus (2 marks)
- b) With relevant examples, discuss the various classifications of crimes in Kenya (18 marks)

Question Two

- a) Define the term arrest? Can a police officer arrest a person without a warrant of arrest? Discuss. (10 marks)
- b) When can a person's right to liberty be infringed for purposes of criminal proceedings (10 marks)

Question Three

- a) What are the factors which influence the decision whether or not to prosecute an accused person in Kenyan courts (8 marks)
- b) Examine the factors considered for grant or refusal of bail (6 marks)
- c) Discuss the consequences of breaching bail terms in Kenya (6 marks)

Question four

- a) Discuss the conduct of a criminal trial from a plea of not guilty to the finalization of the case (10 marks)
- b) Who are difficult witnesses and how does the court deal with such witnesses (4 marks)
- c) List and explain the factors considered by the magistrate when delivering a sentence. (6 marks)

Question Five

- a) Discuss the general defenses in the criminal proceedings (10 marks)
- b) Often more than one criminal defendant plays a role in the commission of a crime. Discuss the parties to crime (10 marks)