

COUNCIL OF LEGAL EDUCATION



EXAMINATION FOR ADMISSION  
TO THE ROLL OF ADVOCATES

**ATP 101: CRIMINAL LITIGATION**

TUESDAY 15<sup>TH</sup> NOVEMBER, 2011

DURATION: 3 HOURS

**Instructions to Candidates**

- (a) Answer question ONE and any other three (3) questions
- (b) All questions carry 15 marks each.
- (c) Marks shall be lost for illegibility

PLEASE TURN OVER

1. Mr. Mwanyikira Mwadume was charged with the offence of theft by servant contrary to Section 28 of the Penal Code (Cap. 63 of the Laws of Kenya). He was tried and convicted of the offence and sentenced accordingly. The typed and certified proceedings read as follows:

13<sup>th</sup> December, 2009

Coram  
Before the Honourable Matata SRM  
Accused present (in person)  
Prosecutor Present – Ndume  
Court Clerk Ms Chapa

The substance of the charge was read to him (the accused person).

**Accused Person:** I did not steal the computer. I bought it from an office auction conducted on 10<sup>th</sup> December, 2009

**Court:** plea of Not Guilty Entered  
Hearing to proceed on 16<sup>th</sup> December, 2009 before this court

**Accused:** I wish to apply for cash bail, witness statements of all prosecution witnesses and copies of prosecution exhibits

**Prosecutor:** I have nothing to say in response to the application

**Court:** Cash bail of Kshs.50, 000 granted, prosecution to supply defense with all the documents they intend to rely on at the trial together with witness statements.

Signed by Hon. Matata:  
13.12.2009

Coram  
Hon Matata  
Accused present (in person)  
Prosecutor present (Ndume)  
Court Clerk (Aisha)

**Prosecutor:** I am ready to proceed, I have two witnesses.

**Accused:** I am not ready to proceed. I do not have any good reason but I just do not feel like proceeding with this matter today.

**Court:** Matter to proceed at 11.00 a.m.