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KENYA SCHOOL OF LAW  
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**DIPLOMA IN LAW (PARA-LEGAL STUDIES)**

**CRIMINAL PROCEDURE I**

**THURSDAY 1<sup>ST</sup> DECEMBER, 2011**

**DURATION: 2 HOURS**

**Instructions to Candidates**

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 marks
- (c) All other questions carry 15 marks each

PLEASE TURN OVER



**QUESTION ONE**

Mr. Hodari was arrested and taken to court on the same day and charged with the offence of robbery with violence contrary to Section 296(2) of the Penal Code (Cap.63, Laws of Kenya).

Identify and briefly explain the possible types of pleas available to Mr. Hodari. What procedural steps would be taken if Mr. Hodari pleaded guilty?

(25 marks)

**QUESTION TWO**

- (a) What is a charge? (2 marks)
- (b) Identify and briefly explain the various parts of a charge. (8 marks)
- (c) Set out the hierarchy of Criminal Courts in Kenya. (5 marks)

**QUESTION THREE**

- (a) Discuss three types of bail and the factors to be considered before granting any bail. (15 marks)

**QUESTION FOUR**

The constitution of Kenya grants every arrested person the right to bail. However, the Criminal Procedure Code does not provide for bail to persons charged with capital offences.

Discuss this apparent conflict of laws with the help of recent cases. (15 marks)

**QUESTION FIVE**

Write short explanatory notes on any THREE of the following:

- (a) Duplicity of Charge (5 marks)
- (b) Arrest without Warrant (5 marks)
- (c) Search with a Warrant (5 marks)
- (d) Private Prosecution (5 marks)
- (e) Nolle Prosequi (5 marks)

**QUESTION SIX**

- (a) Identify and briefly explain five key parties in a criminal proceeding. (10 marks)
- (b) Differentiate between a discharge and acquittal. (5 marks)

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