

# Uganda Martyrs University Nkozi

FACULTY OF LAW

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END OF SEMESTER EXAMINATIONS

PAPER  
CRIMINAL PROCEDURE

LEVEL  
DEGREE

EXAMINATION DATE  
15<sup>TH</sup> DECEMBER 2022

STUDY SESSION  
LLB III

DURATION  
3Hrs 30Mins

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**INSTRUCTIONS:**

1. This is a **PARTIALLY OPEN BOOK EXAMINATION**. You are only allowed to have a clean copy of the reading list/ course outline, relevant statutes and personal notes. Discussion or sharing material with anyone while in the examination room is **STRICTLY PROHIBITED**.
2. Answer **4 (Four)** Questions. **QUESTION ONE IS COMPULSORY**.
3. Originality, clarity of expression, legible writing and use of relevant authorities shall be highly rewarded.
4. Cheating and/or any form of exam malpractice shall be punishable under the relevant University Rules and Regulations.
5. Mobile phones and other electronic gadgets shall not be allowed into the examination rooms. It does not matter whether the mobile phones and or gadgets are in working modes or not.

### QUESTION ONE

Patrick Njeru, Bomboka John and Margret Otuka were charged before the Magistrate Grade I of Mengo, his worship Mugolofa Moses on the following charge sheet.

UGANDA POLICE

POLICE FORM 53

POLICE STATION: CENTRAL POLICE STATION

DATE: 20<sup>th</sup> FEBRUARY 2022

POLICE CHARGE REGISTER NO. CPS 01/2022

### CHARGE

UGANDA VERSUS Patrick Njeru, Bomboka John, Margret Otuka all adult Ugandans and residents of Kiwatule, Kampala District.

### COUNT I & II

ELOPEMENT

### Particulars of Offence

Patrick Njeru on the 10<sup>th</sup> day of February 2022, and Bomboka John on the 15<sup>th</sup> day of January 2022 you eloped with a married woman Margret Otuka, wife of Moses Otuka.

### Count III

Margret Otuka on the 10<sup>th</sup> day of February 2022, you eloped with Patrick Njeru, a man not your husband.

### STATEMENT OF OFFENCE

Theft by Njeru and Margret Otuka. Patrick Njeru on the same day, with Margret's assistance and knowledge stole Moses Otuka's mobile phone.

- a. Citing the statutory rules that have been contravened, identify and explain the defects in the charge sheet.
- b. Draft proper papers for the three persons charged with the alleged offences above.

## QUESTION TWO

With the aid of relevant authorities, discuss the law relating to assessors in criminal trials.

## QUESTION THREE

You have been appointed as a research assistant to the chairperson of the Uganda Human Rights Commission and have been tasked to prepare a paper on the rights and freedoms of suspects and accused persons for presentation in training workshop.

In a detailed legal memorandum, write explaining to the Chairperson the various safeguards, rights and freedoms that she would discuss at the training.

## QUESTION FOUR

Write short notes on the following: -

- a. Extradition
- b. *Prima facie* case
- c. Factors to consider at sentencing
- d. Service of summons in criminal proceedings
- e. Mandate and control of criminal proceedings by the Director of Public Prosecutions
- f. Trial Procedure when accused is insane

## QUESTION FIVE

On 7<sup>th</sup> March 2022, Mr Lugabire appeared before the Chief Magistrate of Mukono on charges of Arson. The charge was read to him and in response he said, "I know the case". The magistrate immediately sentenced him to 15 years imprisonment.

You have further been informed that

- Lugabire lives in Kyamulibwa and understands Babandana & Adhola languages only.
  - Upon hearing the court's decision, Lugabire told the Magistrate that he is stupid and should go back to LDC for better grounding in procedural principles. This annoyed the magistrate and he further ordered Lugabire to further pay 12,000,000/= to the complainant as costs of the case.
- a. With the help of authorities, identify the irregularities in the plea taking process and advise on the appropriate steps that ought to have been taken.
  - b. Discuss the legal issues arising from the magistrate's subsequent orders.



### QUESTION SIX

"In the administration of criminal justice, courts of judicature are dressed with powers to try and acquit or convict the accused. Where the latter is adopted, the court must impose the appropriate punishment."

As an expert of criminal proceedings, discuss with the aid of relevant authorities' contents of a valid judgment and any five (5) orders that the court may impose while sentencing the accused.

### QUESTION SEVEN

"There is no automatic right to appeal. Both the right to appeal and the jurisdiction to hear the appeal are creatures of statute". Discuss with relevant authorities the veracity of the above statement.

\*\*\*\*\*BEST OF LUCK, MERRY X-MAS AND HAPPY NEW YEAR\*\*\*\*\*