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**UNIVERSITY OF SWAZILAND  
DEPARTMENT OF LAW**

**MAIN EXAMINATION PAPER, MAY 2005**

**TITLE OF PAPER : CRIMINAL PROCEDURE**  
**COURSE CODE : DL014**  
**TIME ALLOWED : THREE (3) HOURS**  
**TOTAL MARKS : 100**  
**INSTRUCTIONS : ANSWER FOUR (4) QUESTIONS**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN  
GRANTED BY THE INVIGILATOR TO DO SO.**

### Question 1

X is the father of Y who has since died after being allegedly shot to death by A. The Director of Public Prosecutions decides not to prosecute the matter. X is distraught, he does not know what to do and he cannot stand seeing the alleged killer of his son walking the streets and not being made to answer for his deeds.

X comes to you for legal advice, what advice would you give to him? [25 marks]

### Question 2

What is bail, and what factors will a court consider before granting bail to an accused person?

[25 marks]

### Question 3

(a) How have bail laws in Swaziland changed? [15 marks]

(b) If an accused person applies for discharge in terms of Section 174(4) of the *Criminal Procedure and Evidence* 67/1938, is the judicial officer obliged to discharge him?

[10 marks]

[Total marks: 25]

### Question 4

(a) What is the meaning of the term “jurisdiction”? [5 marks]

(b) Discuss the three (3) major features of the jurisdiction of the High Court of Swaziland. [15 marks]

(c) What is the difference between the jurisdiction of the Senior Magistrate Court and the Principal Magistrate Court? [5 marks]

[Total marks: 25]

### Question 5

(a) What is “citizen’s arrest”? [5 marks]

(b) What is the plea of *lis pendens*? [5 marks]

(c) Discuss all the relevant proceedings from the time the police hand over a criminal docket to the office of the Director of Public Prosecutions up to the time the matter is

allocated a trial date or dates at the High Court. Discuss only those proceedings where the Director of Public Prosecutions has decided to prosecute a matter. [15 marks]

[Total marks: 25]