

**UNIVERSITY OF SWAZILAND  
DEPARTMENT OF LAW**

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**SUPPLEMENTARY EXAMINATION, JULY 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 TO DO SO HAS  
BEEN GRANTED BY THE INVIGILATOR.**

### Question 1

Discuss the various pleas which an accused person may enter in response to a charge. [25 marks]

### Question 2

(a) What is a search warrant, and how may it be obtained? [10 marks]

(b) What are the principles applicable to search on warrant? [15 marks]  
[Total marks: 25]

### Question 3

(a) P is charged with murder in that he is said to have unlawfully and intentionally killed Q in Nhlangano. He is brought to the Manzini Magistrate's Court for trial.

(i) Does the Manzini Magistrate's Court have jurisdiction to try P on the charge of murder? [5 marks]

(ii) If P is charged with theft which he is alleged to have committed in Nhlangano would the Manzini Magistrate's Court have jurisdiction to try him? [5 marks]

(b) Discuss the jurisdiction of the Senior Magistrate's Court and the Principal Magistrate's Court. [5 marks]

(c) What is the procedure that must be followed after a person is arrested without warrant? [10 marks]  
[Total marks: 25]

### Question 4

What is bail, and what factors will a court consider before granting bail to an accused? [25 marks]

### Question 5

(a) Of what significance is the case of *Ray Gwebu & Another v Rex*, Criminal Appeals No.19/2002, 20/2002 in the law of Swaziland? [10 marks]

(b) A is held by the Mbabane police in a cell at the Mbabane Police Station. He has been there for two (2) weeks. He has not been charged with any offence. He believes that the police are holding him unlawfully. His relatives consult you seeking a solution to the

predicament. Having accepted their instructions, what would you do to help A?

[15 marks]

[Total marks: 25]