

**UNIVERSITY OF SWAZILAND  
DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION, JULY 2013**

**TITLE OF PAPER : CRIMINAL PROCEDURE**  
**COURSE CODE : L402**  
**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

What is a search warrant, how may it be obtained and what are the principles applicable to search on warrant? (25 marks)

### Question 2

Trace the origins of the office of Director of Public Prosecutions and discuss the discretion enjoyed by a person holding such office. (25 marks)

### Question 3

Write short notes on the following:

- (a) Complainant. (5 marks)
  - (b) Judicial officers. (5 marks)
  - (c) Presumption of innocence. (5 marks)
  - (d) Adversarial form of trial. (5 marks)
  - (e) When and how to apply for bail. (5 marks)
- (Total marks = 25)

### Question 4

You are instructed by the sister of a person who has been arrested by police without a warrant the previous night on suspicion of committing rape. The person was arrested in the evening and held overnight in a police holding cell. The sister comes to you the following morning. She informs you that her brother has not even been told why he has been arrested but police have told her that he is suspected of rape.

Give the suspect's sister full legal advice in relation the rights of the suspect and the authority under which the police were acting. (25 marks)

### **Question 5**

When a person is applying for bail and there is an opposition to the application on the basis that there is a likelihood that if the accused is released on bail, he or she will evade the trial or disturb public order or undermine public peace or security, what should a court take into account to determine if these grounds have been established.

(25 marks)