

UNIVERSITY OF SWAZILAND

192

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, DECEMBER 2013

**TITLE OF PAPER: CRIMINAL PROCEDURE**

**COURSE CODE: L402**

**TIME ALLOWED: THREE (3) HOURS**

**INSTRUCTIONS:**

- 1. ANSWER FOUR (4) QUESTIONS.**
- 2. ALL QUESTIONS CARRY EQUAL MARKS.**

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BY THE INVIGILATOR.**

### **QUESTION 1**

173

The accused is charged with murder and rape, it being alleged that on or about the 4<sup>th</sup> May, 2012 and at or near Maloma in the Lubombo region he killed one Mlungu Dlongolo by stabbing him with a knife. The accused is desirous to be admitted to bail but he does not have money to secure the services of an attorney.

- a) Advise the accused on what steps he can take in order to be released from police custody pending resumption of his trial.

(10 Marks)

- b) Draft papers and ask for the release of the accused from custody.

(15 Marks)

### **QUESTION 2**

The accused is a sergeant at the Mbabane Police station. He holds the position of a desk officer. The accused was found in possession of 15 bags of dagga which was kept in the exhibit room at the Mbabane Police station on the 25 July, 2012. The said dagga was found at the home of the said sergeant in Manzini. You are the Director of Public Prosecutions and you are required to prepare court papers to ensure that the accused is tried. Draft the necessary papers that must be filed in court bearing in mind that the accused occupied a senior position within the Mbabane Police station.

(25 Marks)

**QUESTION 3**

194

Critically evaluate the law regarding the prosecution of environmental crime in Swaziland. In what way is the law in need of reform, if at all? Make reference to authorities.

(25 Marks)

**QUESTION 4**

Outline the criminal jurisdiction of courts in Swaziland. In what way is the law in need of reform, if at all?

**QUESTION 5**

Compare and contrast the law regarding review and appeal proceedings in criminal matters. Support your answer with authorities.

(25 Marks)