

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, DECEMBER 2015**

TITLE OF PAPER: CRIMINAL PROCEDURE

COURSE CODE: L402

TIME ALLOWED: THREE HOURS

INSTRUCTIONS:

- 1. ANSWER ALL QUESTIONS**
- 2. ALL QUESTIONS CARRY EQUAL MARKS**

DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.

QUESTION 1

The office of the Directorate of Public Prosecutions (DPP) in Swaziland has many similarities and dissimilarities with the office of the National Directorate of Public Prosecutions (NDPP) in the Republic of South Africa. Do you agree? Compare and contrast the law pertaining to the office of the DPP in Swaziland and the NDPP in the Republic of South Africa.

[25 MARKS]

QUESTION 2

Section 174(4) and Section 273 of the Criminal Procedure and Evidence Act, 1938 are the bedrock of conducting a criminal trial in accordance with rules of fairness and respecting the rights of an accused person and that of the victim of crime. Critically evaluate the validity of this statement. Support your answer with authority.

[25 MARKS]

QUESTION 3

Mr Let Rip is charged with murder at the High court of Swaziland. He pleads guilty to the charge of murder. Mr Go Slow is charged with pickpocketing in the Manzini Magistrate court. He pleads guilty to the charge of pickpocketing. Outline the procedure that must be followed in cases where the accused pleads guilty in the Magistrate's court and in the High court. What is the effect of a plea of guilty in criminal proceedings?

[25 MARKS]

QUESTION 4

"Legal controls on police powers are a clog on police efforts in fighting crime. Police powers need to be enlarged, not circumscribed so as to enable them to effectively meet the threat posed to society by criminals". Critically assess this statement.

[25 MARKS]

QUESTION 5

John Dlomo has been charged with the murder of Sizwe Lubisi. It is alleged that the accused shot and killed the deceased after an altercation over money that the accused advanced to the deceased and the latter failed to pay back. The prosecutions department is notorious for its tardiness in initiating prosecution, to the detriment of the accused person. Draft the necessary papers and assist the accused get relief while awaiting trial.

[25 MARKS]