UNIVERSITY OF SWAZILAND

INSTITUDE OF DISTANTANCE EDUCATION

DIPLOMA IN LAW

SUPPLEMENTARY EXAMINATION PAPER JULY 2017

TITLE OF PAPER: CRIMINAL PROCEDURE

COURSE CODE: DL014

TIME ALLLOWED: THREE (3) HOURS

TOTAL MARKS: 100

INSTRUCTIONS: ANSWER QUESTION 1 WHICH IS COMPULSORY AND THREE ADDITIONAL QUESTIONS FROM QUESTION 2 TO 6.

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

Question 1

Mpho is arrested for the murder of Khosi. Mpho has a relative in the United Kingdom. Mpho wants to be released on bail as per the provisions of the Constitution of 2005.

(a) What factors the court considers when one applies for bail? (20)

(b) Advise him as to which court he can approach for his release. (5)

[25]

Question 2

(a) What does the term "appeal" mean? Give examples of courts with appellate jurisdiction.

(6)

(b) What does the term "review" mean? (2)

(c) In short notes, explain the following:
    (i) *Prima facie* (3)
    (ii) *Lis pendens* (3)
    (iii) *Locus standi* (3)
    (iv) *Bona fide* (3)
    (v) ***Nolle prosequi certificate*** (3)

[25]

Question 3

(a) What is a plea? (1)

(b) Name the pleas that are available to an accused person. (14)

(c) What should happen in a case where the accused was not given an opportunity to address the court at the end of the evidence given? (5)

(d) What does Section 154 of the Criminal Procedure and Evidence Act No 67 of 1938 provides?

(5)

[25]

QUESTION 4

a) Discuss the three procedural rights of an accused in a criminal trial. (15)

b) Outline how a warrant of arrest is obtained. (10)

[25]

Question 5

(a) What is meant by the term extradition? (10)

(b) List documents that must form part of the extradition request. (15)

[25]

QUESTION 6

a) Name the pleas that are available to an accused person. (15)

b) What should happen in a case where the accused was not given an opportunity to address the court at the end of the evidence given? (5)

c) What does Section 122 (1) of the Criminal Procedure and Evidence Act No 67 of 1938 provides?

(5)

[25]