

**FACULTY OF LAW**  
**END OF SEMESTER EXAMINATIONS - APRIL 2025**

**PROGRAMME: LLB**

**YEAR/SEM: YEAR 3/SEMESTER 2**

**COURSE CODE: LLB 3206**

**NAME: CRIMINAL PROCEDURE**

**DATE: 2025-04-23**

**TIME: 9:00AM-12:00PM**

**INSTRUCTIONS TO CANDIDATES:**

1. Read the instructions very carefully
2. The time allowed for this examination is **STRICTLY** three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

**DO NOT WRITE ANYTHING ON THE QUESTION PAPER**

## **Section A This question is compulsory**

### **Question 1:**

**Katongole**, a resident of Kansanga, was walking home from campus one evening when a police officer stopped him and asked to search his bag. **Katongole** was not informed of his right to refuse the search, and the officer did not have a search warrant. After searching the bag, the police officer discovered a small quantity of illegal drugs. **Katongole** was immediately arrested and taken to the police station, where he was detained overnight.

The following morning, the police officer prepared a charge sheet accusing **Katongole** of possession of illegal drugs and brought him before a magistrate's court. **Katongole** as informed that he would be detained until his next court appearance, which was scheduled for a few days later.

**Katongole** claims that his rights were violated during the arrest and search, as the police officer did not follow the proper procedure.

**USING RELEVANT AUTHORITIES, USE THE ABOVE SCENARIO TO ANSWER THE FOLLOWING QUESTIONS**

- a) Whether the police officer legally justified in arresting **Katongole** without a warrant? **(10 marks)**
- b) Whether the search conducted by the police officer lawful? **(5 marks)**
- c) Whether **Katongole**'s detention overnight before being brought before a court was legal? **(10 marks)**

## **Section B Choose any 1 from 2**

### **Question 1:**

- a) What is the procedure for filing a complaint in a criminal case in Uganda? **(5 marks)**
- b) prima facie case **(5marks)**
- c) "Discuss the difference between summons" and an "arrest warrant" **(10 marks)**

### **Question 2:**

With the aid of relevant authorities, discuss the following as used in criminal procedure

- a) Revision in criminal proceeding **(5 marks)**
- b) Procedure for appeal in criminal trial **(5 marks)**
- c) Bail pending appeal **(5 marks)**
- d) Retrials **(10 marks)**

## **Section C Choose any 2 from 4**

### **Question 1:**

The case of **Adan v Republic [1973] EA 445** chronologically provides for the procedure to be followed by court of competent jurisdiction. Discuss the above case with regard to plea taking.

**Question 2:**

“There are different ways of compelling an accused person to attend court.” Discuss the validity of the above statement with close reference to statutes and case law.

**Question 3:**

Critically examine and discuss with appropriate examples the hierarchy and jurisdiction of Uganda’s criminal justice system.

**Question 4:**

“To be granted a bond or bail is an automatic right by either police or a court of law respectively.” Critically examine the validity of the above statement with reference to criminal practice in Uganda as guided by both statutory and relevant case law.