INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

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:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This question is compulsory

Question 1:

I hereby, find you Maasa Simon Peter Alias Wemesa, guilty of the offence of aggravated defilement c/s 129(3) and (4) of the Penal Code Act as charged and accordingly convict you.

Judgement read in court.

Hon Judge.

12th January, 2022.

(a)Assuming you are counsel for the prosecution and the defence accordingly, make your submissions on sentencing of Maasa. (10 marks)

(b) If dissatisfied with the sentence, what would be Masaa's remedy and the general principals governing the remedy? (5 marks)

(c)What preliminary practical steps would you take to ensure that you achieve the desired remedy? (10 marks)

Question 2:

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)**

Question 3:

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

SECTION B

Choose any 1 from 2

Question 1:

"Criminal jurisdiction refers to the authority of a court or tribunal to hear and determine criminal cases within a country. With reference to relevant legal authorities, discuss the following aspects of criminal jurisdiction:"

a) Territorial jurisdiction **(10 marks)**

b) Local jurisdiction **(10 marks)**

c) Power to try a case **(5 marks)**

Question 2:

a) Discuss with relevant authority the differences between criminal proceedings and civil proceedings (10 marks)

b) With relevant authority discuss the criminal proceedings are initiated in both the magistrates' courts and High court **(15 marks)**

Question 3:

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 4:

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:

“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.

Question 4:

"Assessors play a crucial role in criminal trials, especially in the determination of guilt or innocence. Using relevant authorities discuss the role, functions, and legal framework surrounding assessors in criminal proceedings in Uganda

Question 5:

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