

BINDURA UNIVERSITY OF SCIENCE EDUCATION
FACULTY OF COMMERCE
DEPARTMENT OF INTELLIGENCE AND SECURITY STUDIES
BACHELOR OF BUSINESS ADMINISTRATION (HONOURS) IN POLICE AND
SECURITY STUDIES
PS 308: CRIMINAL PROCEDURE
Duration: 3 hours (100 marks)

NOV 2024

INSTRUCTIONS TO CANDIDATES

1. Answer **question 1** and any other 3.
2. Each question carries 25 marks.
3. Cell phones are not allowed into the examination room.
4. Begin each fresh answer on a new page.
5. Credit shall be given for referring to case law, statutes or any other authorities wherever possible.

Question 1 (compulsory)

- a) What is the difference between a Magistrate declining to grant a further remand before trial commences and a Prosecutor withdrawing a charge after plea? (10)
- b) With the aid of relevant caselaw and legislation where applicable, explain in detail the procedure applied during the confirmation of extra-curial statement made by accused persons. (8)
- c) Discuss whether or not an accused person can challenge the production and validity of a confirmed extra curial statement. (7)

[Total marks: 25]

Question 2

- a) Discuss the following Procedures as they relate to criminal procedure:

- i) Joinder of counts (5)
- ii) Alternative charges (5)

- b) Explain in detail, using case law and pertinent statutes, the circumstances under which a court is obligated to render a verdict of not guilty at the close of the state's case. (15)

[Total marks: 25]

Question 3

- a) In what circumstances may a charge be amended after accused has already tendered a plea? (12)
- b) Define the term 'Public Prosecution' (4)
- c) What are the circumstances under which an arrest without a warrant can be executed? (4)
- d) What is the rationale behind allowing arrest without a warrant. (5)

[Total Marks: 25]

Question 4

- a) When can a court order that accused person be tried separately rather than jointly? Justify your answer with the aid of relevant caselaw and legislation. (5)
- b) In what instances may accused person be tried together in the same trial. (5)
- c) Outline and give reason for the position of the law in relation to splitting of charges. (15)

[Total Marks: 25]

Question 5

- a) Discuss the factors to be taken into consideration in granting bail before trial. (10)
- b) Outline the contents and requirements for the issuance of a warrant of arrest. (5)
- c) What conditions must be met before a private prosecution may be instituted? (10)

[Total Marks: 25]

****ENDS****