

CHUKA



UNIVERSITY

## UNIVERSITY EXAMINATIONS

## EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAWS

BLAW 221: CRIMINAL LAW

STREAMS:

TIME:2 HOURS

DAY/DATE: THURSDAY 13/04/2023

11.30 A.M. –1.30 P.M.

INSTRUCTIONS

Answer question one and any other two

**QUESTION ONE**

(a) Muriu, Mark and Evans planned to steal forcefully from PESA Bank in Chuka town. Muriu contacts Ringera to lend them a van to facilitate their transportation. Ringera agreed to the deal but states that he would only participate in lending them his van and driving them during the mission. Evans approached Naslata a licenced arm holder who agreed to lend out her Ceska Pistol for the mission upon a down payment of Ksh10,000. The balance of Kshs 15,000 was to be paid once the group succeeded in their mission. Grace, who works with PESA Bank as assistant manager in Chuka town accepts to share crucial information about the cash to be looted. She also participates in persuading Rabecca a house manager in the surburbs of Chuka Town to offer the group a hide out after the loot. The whole mission succeeded as planned. Everyone plays his/her part, but they are later arrested and criminal investigation department brings the file to the ODPP's Chuka office for the suspects to be charged in court.

Advise on the various offences committed by the different parties and the charges to be placed on them. (14 marks)

(b) "Courts of law administer different forms of punishments as provided within the law".

Anonymous, Distinguish between fines and forfeiture in criminal law. (6 marks)

(c) Kamjoros, a 17year old boy, found his classmate Jeff in great thought. Noting the distress in Kamjoros' face, Jeff enquired on what the issue was.. Without disclosing the cause, Kamjoros asked Jeff what the best way of one killing himself was. Jeff told him he was not sure, but requested him to accompany him to the school counsellor for therapy. Ibra who was passing by heard Kamjoros enquiring about how one can kill himself. He therefore shouted back to him that he should climb at the top of the administration block at night and jump from there and ensure that he lands with the head first. As the Kamjoros and Jeff were walking away, Ibra requested Kamjoros to write to the school chef to be offering him Kamjoros' snack. That evening, Kamjoros wrote a note to the chef requesting him to be giving Ibra his snack. The following morning, Kamjoros was found dead lying dead in a pool of blood on the cemented front part of the administration block. Preliminary report showed that he succumbed to fracture of the skull and suspected to have jumped from the administration building.

Citing relevant provisions of the law, examine whether the facts disclose any crime and if so, who is liable. (10 marks)

### **QUESTION TWO**

(a) With the aid of relevant authorities, discuss four forms of inchoate offences. (12 marks)

(b) With the aid of relevant laws, explain what constitutes the offence of robbery with violence.

(8 marks)

### **QUESTION THREE**

(a) Rosy, being distressed by the extra-marital affairs of her husband Harmon decided to teach her spouse's mistress, Rachel a lesson. One Friday evening, Rosy armed with a kitchen knife way-laid Ms Rachel at the entrance to her house intending to attack her. As it turned out, the victim was not Ms. Rachel, but her sister, Evelyn, who was then staying with her. Evelyn later died from the serious knife wounds inflicted by Ms Rosy.

(i) The DPP has sought your advice as to whether these facts disclose ingredients for murder.

Advice the DPP. (8 marks)

(ii) Would your advice have been different if the deceased had been caught up and killed while

Ms Rosy was attempting to cut Ms. Rachel? (4 marks)

(b) Applying decided cases, examine the law governing vicarious liability in criminal law.

(6

Marks)

**QUESTION FOUR**

(a) Discuss the principles governing the law of criminal responsibility of children in Kenya.

(8

marks)

(b) Discuss the circumstances, if any, under which the accused person under our criminal law assumes the burden of proof. What would be the standard of proof in such cases? (6 marks)

(c) What is your understanding of M’Naghten rules and where was the principle enunciated.

(6

marks)

**QUESTION FIVE**

(a) With aid of authorities, explain six aggravating factors that can be raised by a convicted person.

(12 marks)

(b) With reference to decided cases explain how the court is to assess the reasonableness of force used in defence of a person.

(8 marks)

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