

# ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW: JANUARY 2020 SUPPLEMENTARY EXAMINATION

MODULE AND CODE: CRIMINAL PROCEDURE (LLB 207)

FULL-TIME

DURATION: 3 HOURS

TOTAL MARKS: 100

INTERNAL EXAMINER: ADVOCATE WELLINGTON THOMAS PASIPANODYA  
INSTRUCTIONS

1. You are requested, in your own interests, to write legibly.
2. You are directed to use avoid using short hand and poor grammar.
3. This paper consists of FOUR (4) pages. Please ensure that you have all the pages.
4. Please note that you must answer questions from both Section A and B.
5. During the course of your answers, you must refer to any relevant case law, legal principles and legislation that may be applicable.
6. Please note that each answer must be answered on a new.
7. You are allowed to bring into the exam unannotated legislation. Students are not allowed to lend to or borrow from, each other any exam material during the duration of the exam
8. All cellular phones and electronic devices must be switched off during the duration of the exam. Failure to comply will lead to automatic disqualification.

## **SECTION A**

### **Answer question 1 and 2 in Section A**

1. Sergeant Chihuri, the investigating officer in a murder case, receives the registration number of a motor vehicle that was seen near the murder scene at the time that the incident took place. Sergeant Chihuri decides to follow up on the information and visits the home address of George, the registered owner of the motor vehicle.

1.1 using case law and legislation discuss the powers of Sergeant Chihuri in terms of the law when he arrives at Y's home.

**[15 Marks]**

3.2 John admits that he visited his mother who lives next to the premises where the murder took place. However, John is not very co-operative and he informs Sergeant Chihuri that he does not want to get involved in the matter. He also refuses to make any statement. Sergeant Chihuri is convinced that John has information that may assist him (Sergeant Chihuri) in solving the case. What steps may Sergeant Chihuri take to obtain information from Y? Discuss in detail.

**[10 Marks]**

**[TOTAL FOR Q1. 25 Marks]**

2. Mary Ndabaiwa has been charged with the attempted Murder of her Husband and she has been arraigned before the criminal court and her matter has been set-down for trial. She has approached you to represent her in her trial set down at the Magistrates court. With the aid of case law and legislation discuss in detail the process and procedures that she will go through from the commencement of the trial through to sentencing

**[25 Marks]**

## **SECTION B**

### **Answer any 2 questions in section B**

3. Have the procedural and evidential rules in criminal cases been properly aligned to the Constitution and are the new provisions on the death penalty for murder satisfactory?

**[25**

**Marks]**

4. with the aid of case law, statutes and legal principles discuss the court's approach on the constitutional right to bail, and the need for and nature of bail as a method of securing liberty pending the outcome of a trial. What principles do courts consider when determining eligibility for admission to bail?

**[25 Marks]**

5. Discuss in full all the general principle on the guide to sentencing that the court considers when sentencing an accused person in Zimbabwe.

**[25 Marks]**

6.a What is the current legal position in Zimbabwe with regards to provision of legal aid and what is the court's duty when faced with an unrepresented accused person

**[15**

**Marks]**

6.b Discuss the various methods of securing the attendance of an accused person to court.

**[10 Marks]**

**[Total for**

**Q 6: 25 Marks]**

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