



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester I, 2014/2015 Academic Session

Examination Question Paper

Course Code : LB 4303
Course Name : Criminal Procedure I
Course Level : Bachelor of Laws (LL.B)
Time : 3 hours

Reference allowed:

Criminal Procedure Code

Notes:

1. Answer Question 1 in Part A and any two (2) questions in Part B.
2. Support your answers with the relevant statutory provisions and decided cases.

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Part A

Question 1 (30 marks)

Hamdani was standing near the Sungai Tujoh Immigration checkpoint where they were no less than fifty people gathering without a permit, a seizable offence under the Police Act. There were shouts like “Justice?,” “Justice for the people”, “No parking fee” and so on, with banners and paper cards carrying similar slogans. Hamdani happens to be holding an unfolded big paper card, which in fact was only a poster of “Jasmine the Movie” with the words “Jasmine” and “coming soon” Hamdani was then arrested without warrant by a police officer despite his protest. Hamdani tried to escape but the police officer managed to trip him down and kicked and handcuffed him in front of the crowd. He was brought to Kuala Belait police station where he was interrogated and forced to confess his involvement in the illegal assembly.

Faisal, a close friend of Hamdani, went to Kuala Belait police station to get the latter released on bail and to find out the nature of the offence committed so that he can assist Hamdani’s family in preparing whatever defence but to no avail.

In the meantime, a police party led by Constable Mathusin raided Hamdani’s house in Temburong and seized his personal documents and belongings including his international passport, his wife’s scarf and the children’s footwear.

Advise Hamdani and Faisal as to their legal rights.

PART B

(Answer any **two (2)** questions from this part.)

Question 2 (15 marks)

The Attorney General shall have power, exercisable at his discretion to institute, conduct or discontinue any proceedings for any offence.

Explain.

Question 3 (15 marks)

The amount of bail shall be fixed with primary purpose of ensuring the presence of the accused before the court on the day specified, and shall not be excessive.

Discuss the applicable statutory provisions relating to bail.

Question 4 (15 marks)

Write short notes on any **three (3)** of the following:

- (a) Consent and sanction
- (b) Alter-ego
- (c) Charge
- (d) First information report
- (e) Voluntariness of statement

(5 marks each)

بالتوفيق والنجاح