



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

Faculty of Shariah and Law
Semester II, 2015/2016 Academic Session

Final Examination Question Paper

Course Code : LB 4303

Course Name : Criminal Procedure II

**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Laws (BSL)**

Time : 3 hours

References allowed
Criminal Procedure Code

Notes:

1. Answer any **FOUR** questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

QUESTION 1 (15 Marks)

“The Juvenile Court was established under the Children and Young Persons Act with object of *treating young offenders differently from adult offenders*”.

Discuss the above statement.

(15 marks)

QUESTION 2 (15 Marks)

Section 374(1) Criminal Procedure Code states:

“The Attorney General shall be the Public Prosecutor and shall have the general direction and control of criminal prosecutions and proceedings under this Code or under any written law”

1) Explain the roles and responsibilities of a Public Prosecutor.

(7.5 marks)

2) What are the factors and considerations that need to be examined before deciding to prosecute or otherwise.

(7.5 marks)

QUESTION 3 (15 Marks)

“The Public Prosecutor is dissatisfied with a judgment delivered by the Magistrate’s Court.”

1) Explain the procedures for appeal.

(7.5 marks)

2) Discuss examples of appeal cases where the Public Prosecutor was successful in his appeal to the High Court.

(7.5 marks)

QUESTION 4 (15 Marks)

1) Mr A was forty eight years old at the date of the offence. He is charged for rape. The trial took some time and at the end of the trial, he was convicted and sentenced at the age of fifty one. The High Court sentenced him to fifteen years imprisonment and twelve strokes.

(7.5 marks)

2) Mr B was charged for robbery and was convicted and sentenced to eight years imprisonment and ten strokes. He suffers from high blood pressure and asthma and has pleaded to the Judge not to impose the canning sentence.

Discuss the procedures on whipping as stated in the Criminal Procedure Code for both cases.

(7.5 marks)

QUESTION 5 (15 Marks)

The amendments to the Criminal Procedure Code that came into effect on 16th February, 2016 saw the insertion of a new section 237A and section 237B on the “Address on Sentence” and “effect of certain offences on persons in respect of whom committed” respectively.

Discuss and comment on the advantages of these amendments in relation to a “father – daughter” rape case.

(15 marks)

بالتوفيق والنجاح