



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

**Faculty of Shariah and Law
Semester I, 2020/2021 Academic Session**

**Final Examination
Question Paper**

Course Code : LB4303
Course Name : Criminal Procedure I
Course Level : Bachelor's Degree
Time : 3 hours

Reference(s) allowed:
CRIMINAL PROCEDURE CODE 1951 (CAP. 7)

Instructions:

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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

A search warrant... 'is an important document as it forms the foundation for the seizure of exhibits and arrest of suspected criminals.' [*LOW CHANG CHEW V PUBLIC PROSECUTOR (2003) 1 JCBD 266*].

Critically examine the above statement. Support your answer with case law and relevant sections of the Criminal Procedure Code.

QUESTION 2 (15 marks)

Mr Ali has been arrested for committing an offence of criminal intimidation by use of a weapon towards his brother in the presence of his family members including his young nephews and nieces. He has recently been released from prison for committing an offence of assault on the same brother. Mr Ali lives in the same house as his brother. He has now been brought to court and charged for criminal intimidation against his brother. He pleads not guilty and claims trial. The prosecution is objecting for the defendant to be released on bail and Mr Ali has made an application to the court for him to be allowed to be released on bail.

Mr Ali is a Bruneian but his wife and children are in Malaysia. He has a string of offences ranging from causing hurt and assault. The police have also informed the Prosecution that Mr Ali has often failed to report to the police station when required to do so as part of his bail condition for his previous cases.

As the DPP objecting to the bail application, lay out your arguments using relevant case law as well as relevant provisions of the Criminal Procedure Code to present to the court.

QUESTION 3 (15 Marks)

Mr Lee has been arrested on suspicion of committing the offence of housebreaking into 10 different houses in Kuala Belait between August 2020 to November 2020. The police have now completed their investigations.

- (a) As an investigating officer in this case, what provision allows the police to undertake investigations and what steps must they and their team undertake next?
(5 Marks)
- (b) As a DPP drafting the charge/charges against the defendant, in reference to the relevant provisions, what particulars are required to be contained in a charge sheet?
(5 Marks)
- (c) In the course of investigations, police discover that the defendant had committed the offence together with another person. Explain the provision in relation to joint charges and how multiple charges are dealt with.
(5 Marks)

QUESTION 4 (15 Marks)

The presence or the absence of a specific suspicion is an important factor to be taken into account in deciding whether or not there is an arrest in a given situation.

- (a) Discuss what constitutes arrest.
(5 Marks)
- (b) State 3 examples of when arrest is unlawful citing relevant case law.
(5 Marks)
- (c) The test for reasonable suspicion was raised in the case of *Choong Fook Kam & Anor v Shaaban bin Hussein & Ors* [1967] 2 MLJ 54.

Discuss.

(5 Marks)

QUESTION 5 (15 Marks)

- (a) The police have for several days surveilled a house which they suspect to contain illegal substances. As a result, they intend to conduct search at the premises.

Advise the police on what steps they need to take in conducting the said search.

(10 Marks)

(b) Two patrolmen were patrolling Kampong Subok when they came across a middle-aged man wandering the streets at the early hours of 3am. They stopped the man and asked for his details. After several minutes, it became obvious that the said man was suffering from a mental disorder and was unable to respond to the police when asked for his details.

Citing the relevant provision, explain what powers the police have in this situation.

(5 Marks)

QUESTION 6 (15 Marks)

Every investigation begins with the First Information Report (FIR).

(a) Citing the relevant provision, explain what should be contained inside the FIR.

(4 Marks)

(b) Explain what powers the police have in examining witnesses.

(4 Marks)

(c) Explain what is required should an accused request for an alibi witness to support his case. Support your answer citing relevant provisions.

(7 Marks)

بالتوفيق والنجاح