



RIARA LAW SCHOOL

UNIVERSITY EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS (LLB)

MAY- AUGUST 2024

RLB 201: CRIMINAL LAW I

INSTRUCTOR: MS.JOSEPHINE OYOMBE

INSTRUCTIONS

1. This is the final examination in **CRIMINAL LAW I**. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FIVE** questions. Please answer **QUESTION ONE** , and **ANY OTHER TWO** questions.
3. Time allocated for this examination is **TWO HOURS** (2) hours. You must stop writing when time is called.
4. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
5. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
6. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

QUESTION ONE

Mresh is an accountant who worked at the same school with her husband Bazenga a principal at Bidii school. They lived at Tinka Estate and they would occasionally visit a mall nearby to shop at Kafu supermarket or eat at the Tamu restaurant. Mresh noticed that the husband was over friendly with Kasupuu, a waitress at Tamu Restaurant. She later on confirmed that her husband was having an affair with Kasupuu after seeing text messages on her husband's phone and seeing kasupu leaving her husband's car one Friday evening.

Mresh confronted Kasupuu and warned her to keep off from her husband but upon realizing the two were still in touch, she decided to end the affair once and for all. She hired two hit men, Mnati, Mrazi to help her kill her husband. She paid them 200,000 and promised to pay 300,000 once the job was complete. It was agreed that she would spike her husband's drink, then hand him over to the hit men.

On Sunday, 17th November 2017 she managed to spike her husband's drink as agreed, and drove off with him in the pretext that she was taking him to visit her chama's Pineapple farm project located at Matunda town. Along the way, the three hit men joined them and sat behind the car, pretending to be the farmers hired by the chama.

Upon reaching the pineapple farm, Mresh signalled the hit men and Mrazi and Mnati took the rope that they had and started strungling Bazenga who was already too weak and unaware of his surroundings as a result of the effects of the sedative drug put in his drink. Thereafter, Mnati and Mrazi removed Bazenga's body from the car and disposed it in the Pineapple farm. Mresh immediately took off and could not be traced by the hit men.

The school realizes that Mr. Bazenga had not showed up on Monday, since he was supposed to administer an interview for some teachers who were to be recruited. Bazenga goes missing for a week and when the police question his wife she indicates that the last time she was with her husband was on Sunday when she dropped him to matunda. The police have arrested Mresh and the two hit men.

- i.** In relation to the above scenario, identify the crimes committed and explain the elements of the said crimes. (10 mks)
- ii.** In light of the above, discuss the degrees of participation of the accused in the commission of the charged offence (10 marks)

- iii. Using relevant statutory provisions and case law from Kenya, explain the difference between a principal offender and a joint offender?

NB: Support your answers with statutory provisions and case law.

QUESTION TWO

Waweru and his wife Shifira had an argument one night. Shifira ran upstairs and locked herself in the bedroom. In a jealous rage, Waweru pursued her and banged the door shouting at the top of his voice “Leo nitakumaliza”. Eventually, the lock gave away and Shifira jumps out of the window breaking her leg and sustaining a deep cut on her arm.

Wilber, the local boda boda rider appears by chance and offers Shifira a lift to the hospital who is bleeding heavily. Wilber finds Shifira too heavy a passenger and he could hardly manage to climb the hilly road towards the hospital. Eventually Wilber leaves Shifira beside the road and leaves to look for help. Wilber meets his fellow boda boda friends and he goes to grab a drink. Shifira waits for several hours without any help and succumbs to the bleeding.

- a) Supporting your answer with case law, advise the parties on their criminal liability
- b) Discuss the available defences to parties

(20 Marks)

QUESTION THREE

Supporting your answers with case law and relevant statutory provisions, explain the following concepts;

- i. Burden of proof on criminal responsibility
- ii. Irrebuttable presumptions of law
- iii. Double Jeopardy
- iv. Autrefois acquit vs autrefois convict

(20 mks)

QUESTION FOUR

It is a settled principle of criminal jurisprudence that an endeavour to commit an incomplete offence is a crime. Citing statutory provisions and decided cases, discuss the inchoate crimes provided under our laws and their requisite elements.

(20 Mks)

QUESTION FIVE

Provocation is some act, or a series of acts done by the dead man to the accused, which would cause in any reasonable person, and actually cause the accused a sudden and temporary loss of self control, rendering the accused so subject to passion as to make him/or her the moment not master of his mind. Discuss the extent to which provocation may be a defence to a criminal charge?

(20 Marks)