

cNATIONAL UNIVERSITY OF LESOTHO
LLB SUPPLEMENTARY EXAMINATIONS
L3305: LAW OF CRIMINAL PROCEDURE

AUGUST, 2023

MARKS: 100

Time: 3 HOURS

INSTRUCTIONS

1. Answer any **FOUR (4)** questions.
2. **ALL** questions carry equal marks.
3. Answer clearly and refer to relevant authorities.
4. Allocate 45 Minutes to each question.

Question 1

Compare and contrast the law relating to justifiable homicide by a police officer and a home owner while effecting arrest in Lesotho with that of South African law and make recommendations for reform, if any.

[25 MARKS]

Question 2

Bail is a recognized and fundamental right that governs the principle of fair trial. Discuss five essential elements that the court take into consideration before an accused can be granted bail.

[25 MARKS]

Question 3

“The decision whether to prosecute or not is fundamental to democracy under a constitutional dispensation such as ours. It is therefore imperative that the office of the Director of Prosecutions, located as it is, at the center of delivery of criminal justice, not only executes its functions without fear or favor but it must be non-partisan, non-political and free from interference from the powerful, the well-connected, the rich and the peddlers of political influence.”

Per *The State v. Yengeni* 2006 (1) SACR 405

Discuss the above statement with reference to the office of the DPP in Lesotho.

[25 MARKS]

Question 4

There is an alarming rate to unlawful arrests that have caused the Government of Lesotho multiple law suits from suspects. Discuss the law relating to the process of effecting arrest without a search warrant.

[25 MARKS]

Question 5

A preparatory examination is a very expensive and time-consuming proceeding which exposes the accused to unnecessary anxiety and humiliation before a trial can formally commence.

Discuss the above view and make recommendations for reform, if any.

[25 MARKS]

Question 6

During a football match at the Setsoto Stadium, a fight erupts between the fans of team A and Team B. In this pandemonium that ensues Captain Kali orders his police officers to shoot into the advancing Mob and two people die. A judicial inquest is subsequently held after which the Director of Public Prosecutions declines to prosecute.

Discuss the option that the family of the deceased have and the elements that have to be met in order to get justice for the deceased.

[25 MARKS]

