



UNIVERSITY OF NAMIBIA

FACULTY	FACULTY OF LAW		
DEPARTMENT	Private and Procedural Law		
SUBJECT	Criminal Procedure		
SUBJECT CODE	LPCP3771		
DATE	MAY / JUNE 2020		
DURATION	THREE (3) Hours	MARKS	100

REGULAR EXAMINATIONS

Examiner: Ms. E Shakalela

Moderator: Mr. E Libebe

This question paper consists of THREE (3) pages, including the cover page.

Instructions:

1. Answer all Questions from Section A and ANY 2 (TWO) from Section B.
2. Kindly number the answers appropriately on the front of the answer book in the sequence you have answered them.
3. Please write legibly, to the point and cite authorities where appropriate.
4. Underline all authorities.

SECTION A (COMPULSORY)

QUESTION 1

(25)

S v Scholtz (SA 6/ 94) (1996) NASSC 2 (6 February 1996), Held that "the Honourable Judge erred in law to order that certain witness statements are not privileged and should be made available to the defence". In this appeal the State is the Appellant and the Respondent was the accused at the criminal trial. During the trial an application was made on his behalf for the disclosure. The appeal failed. With reference to relevant sources of Criminal Procedure in Namibia, advise the Respondent on the procedure for disclosure.

QUESTION 2

(25)

With reference to relevant sources of Criminal Procedure in Namibia discuss section 38 of the Criminal Procedure Act 51 of 1977 as Amended in detail

SECTION B (CHOOSE ANY 2)

Question 3

(25)

With reference to relevant Case law and Sections of the *Criminal Procedure Act 57 of 1977 as amended* discuss the entire process of the law of pre-trial stage.

Question 4

(25)

S v Acheson, states that “*an accused person cannot be kept in detention pending his trial as a form of anticipatory punishment. The presumption of the law is that an accused is innocent until his guilt has been established in court*”. Discuss the Bail application procedure.

Question 5

(25)

At the close of the State’s case the Defense wants to bring an application in terms of section 174 *Criminal Procedure Act 57 of 197*, outline the procedure for section 174 for the defense.

TOTAL MARKS

100