



UNIVERSITY OF NAMIBIA

Special Examinations

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

Examiner: Ms E Shakalela

Moderator: Mr. E.L. Libebe

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

Instructions:

1. Answer ALL questions in Section A, and ONLY 1 (ONE) 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
ANSWER ALL QUESTIONS

QUESTION 1

(25)

You are prosecutor in the regional magistrate's court in the district of Windhoek in a rape and domestic violence matter, discuss the procedure for formal bail application in line with section 60A of the *Criminal Procedure Act 51 of 1977* as Amended.

QUESTION 2

(25)

With reference to relevant case law, outline the procedure for seizure and search Warrants as articulated in the *Criminal Procedure Act 51 of 1977* as Amended.

QUESTION 3

(25)

The accused was convicted of murdering his wife by stepping her 8 times with *dolus directus*, and common assault at the age of 52. The accused is a first offender and expressed remorse. The Deceased was stabbed 8 times and it is aggravating that accused and deceased were involved in a domestic relationship. The accused was sentenced to 30 years imprisonment on murder and 1 years on common assault. Sentence of 1 year to run concurrently with the sentence of 30 years on murder.

With reference to relevant case law and sections of the *Criminal Procedure Act 51 of 1977* as Amended, you are required to discuss the factors that the judge had to consider during sentencing.

SECTION B

ANSWER ONLY ONE QUESTION

QUESTION 4

(25)

With reference to relevant Case law and sections of the *Criminal Procedure Act 51 of 1977* as Amended, discuss the entire process of the law of pre-trial procedure.

QUESTION 5

(25)

With reference to relevant Case law and Sections of the *Criminal Procedure Act 51 of 1977* as Amended, discuss the stages the trial procedure.

TOTAL MARKS

100