



MAASAI MARA UNIVERSITY

**REGULAR UNIVERSITY EXAMINATIONS
2022/2023 ACADEMIC YEAR
SECOND YEAR FIRST SEMESTER**

**SCHOOL OF ARTS, HUMANITIES SOCIAL SCIENCES
AND CREATIVE INDUSTRIES
BACHELOR OF CRIMINOLOGY**

**COURSE CODE: CRP 2113-1
COURSE TITLE: CRIMINAL LAW IN KENYA**

DATE: 7TH DECEMBER, 2022

TIME: 0830-1030

INSTRUCTIONS TO CANDIDATES

- Answer Question 1 and any other Two Questions.

This paper consists of 2 printed pages. Please turn over.

SECTION A – (COMPULSORY) 30 MARKS

QUESTION ONE

On February 19th 2022 Evening, Casablanca and Pablo, armed with an axe, a machete and an electric grinder broke into a house belonging to Mr. Mali Ya Mungu. Immediately they gained entry into the house they connected the electric grinder to an electric switch and explained to Mr. Mali Ya Mungu that they had been sent to kill him and were ready and equipped to dismember his body into smithereens unless he complied and gave them KShs. 300,000/= and all valuables in the house including Jewelry and electronics.

Mr. Mali Ya Mungu complied and surrendered his laptop, phone and his wife's jewelry to Casablanca. Casablanca then proceeded to ransack the house while Pablo kept Mr. Mali Ya Mungu tied to a steel door with a binding wire. Pablo, who was already aware that he is HIV-positive, shoved Mr. Mali Ya Mungu with the axe on his ribcage and forcefully sodomized him and then forced Mali Ya Mungu's wife to have oral sex with him while a machete was pointed at her head.

Mali Ya Mungu who was so humiliated and embarrassed at what was transpiring to him and his wife in the presence of his children silently untied himself, using all his strength swung the axe lying next to him and hit Pablo so hard on the forehead killing him instantly.

Meanwhile Casablancareturned with the loot and finding his friend Pablo lying in a pool of blood immediately pulled out a gun and pointed it at Mali Ya Mungu who was in shock. He ordered Mali Ya Mungu to retreat to the Toilet where he locks Mali Ya Mungu, His wife and their two children and escaped. Before leaving he cursed Mali Ya Mungu for killing his friend and said he would be coming back to finish 'the business.' He lit a cigarette and left a lit matchstick on a newspaper on the coffee table that caught fire.

He took off with the family's car, electronics, a packet of rice, Oyo, some cooked chicken from the refrigerator and a Catton of milk. On the way out, he gives the watchman the Catton as a token for not being a 'snitch' and told him to take to his wife.

The Next morning Mali Ya Mungu was found dead in the bathroom as a result of suffocation while his wife and children were found barely hanging to life. They were rushed to hospital and survived the ordeal that left them completely destroyed.

Required

Identify and explain the various criminal offences that emanate from the above narrative as well as any available defenses to such. **(20 marks)**

SECTION B (ANSWER ONLY TWO) 40 MARKS

QUESTION TWO

A.) Criminal law is an important pillar of social order and justice. Briefly justify this statement. **(5 marks)**

- B.)** Define the various parties to offences as prescribed under Kenya's criminal law. **(5marks)**
- C.)** Explain the various jurisdictions of Kenyan courts as pertains to criminal matters **(10marks)**
- D.)** Illustrate the guiding principles as pertains to the general rules of criminal responsibility of as provided under Kenya's criminal law. **(10 marks)**

QUESTION THREE

A.) Refer to the decision of the Supreme Court in **Francis Muruatetu & another -vs- Republic Petition No. 16 of 2015**, a decision by the Supreme Court of Kenya and explain the **TEN** mitigating factors that guide criminal courts in re-hearing sentence for the charge of murder and the issue of death sentences. **(10 marks)**

B.) Illustrate the Effectiveness of forfeiture and other punishments as means of punishment. **(10 marks)**

QUESTION FOUR

Briefly explain the various crimes that constitute the offences under the listed categories.

- A.)** Offences Causing Injury to property. **(4 marks)**
- B.)** Offences relating to coin and bank currency notes. **(4 marks)**
- C.)** Abuse of office. **(4 marks)**
- D.)** Unlawful assemblies, Riots and offences against public tranquility. **(4 marks)**
- E.)** Offences against liberty. **(4 marks)**

QUESTION FIVE

While Terrorism is considered a serious criminal offence, Majority of those who engage in terrorist enterprises consider themselves freedom fighters considering their diverse ideological and philosophical motivations. Critically analyse and justify this statement.

(20 marks)

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