



MAASAI MARA UNIVERSITY

**REGULAR UNIVERSITY EXAMINATIONS
2017/2018 ACADEMIC YEAR
THIRD YEAR FIRST SEMESTER**

**SCHOOL OF SOCIAL ARTS AND SCIENCES
BACHELOR OF ARTS IN CRIMINOLOGY
AND PENOLOGY**

COURSE CODE: PCA 312

COURSE TITLE: CRIMINAL LAW IN KENYA

DATE: 20TH APRIL 2018

TIME: 1100-1300 HRS

INSTRUCTIONS TO CANDIDATES

Answer Question **ONE** and any other **THREE** questions

*This paper consists of **THREE** printed pages. Please turn over.*

QUESTION ONE

- i. Write short notes on the following: **(15 marks)**
- a) Constitutional right to Fair Trial issues in Kenya
 - b) Issues pertaining to the death penalty in Kenya
- A. Discuss the following terms as used in criminal law **[6 marks]**
- I. Homicide
 - II. Manslaughter
 - III. Murder
- B. Distinguish between the following **[9 marks]**
- i. felony and misdemeanor
 - ii. a petty offence and a crime
 - iii. civil law and criminal law

QUESTION TWO

Muskoka, a petty criminal from Machakos, decide to 'make it big, and rob a matatau on the Nairobi Mombasa highway. He recruits Otieno, an eleven year old to assist him carry out the robbery. Otieno was promised sweets and 100 shillings and thought he was going to the beaches in Mombasa. To stop the matatatu, musyoka enlisted the help of Bob, a mental patient who was released from a psychiatric clinic to spend a day with his family. Whilst musyoka hid behind a thicket, Otieno and Bob waited on the highway and waved an approaching matatutu to a halt. Meanwhile, musyoka sprung out of the thicket flourishing a pistol which was infact a toy gun. The terrified passengers of the bus passed all their commodities to musyoka who sped off in the matatu with Otieno and Bob. Twenty kilometres further down the road, the police had erected a road block after being alerted of the robbery.

musyoka, Otieno and Bob were subsequently arrested

From the perspective of the defence, discuss the actus reus and mens rea elements of this crime and advise the three defendant's musyoka, Otieno and Bob of their liability.. **(20marks)**

QUESTION THREE

Although there are many theories as to why criminals commit crimes, many of these theories are deemed outdated, whilst others, have continued to gain support. Provide an overview of at least three theories of crime . **(20 marks)**

QUESTION FOUR

In *Keteta v R* (1972) E.A. 532 (HCK), the appellant, a juvenile, was seeking an appeal against a six month sentence imposed by a lower court.

(a) What would be your arguments before the court in defence of the juvenile? **(7marks)**

(b) Explain the principles relating to the sentencing of young offenders in Kenya. **(10 marks)**

QUESTION FIVE

Discuss any THREE criminal offences and their corresponding forms of punishment in accordance with the Kenyan penal code **[20marks]**

QUESTION SIX

Discuss any FIVE forms of crime **[20 marks]**

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