



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2019/2020

FIRST SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 110: CRIMINAL LAW I

DATE: Monday, 9th December 2019

TIME: 9.00 a.m. - 11.00 a.m.

INSTRUCTIONS:

- 1) Answer ALL questions
- 2) You will be penalized for failing to answer question one
- 3) Where applicable, support your answer with relevant case law, statutes and any other relevant references.
- 4) Write neatly and legibly
- 5) Your answer sheet must bear your student registration number

QUESTION ONE

Monalisa is 27 years old and has searched for a job for the past 15 years. She has opted to start a business where she buys vehicles and sells them at a higher price to make a profit. The business flourished for some time and she was able to expand and even employ two additional persons.

After two years of operation, Monalisa became greedy and was fond of obtaining payments from certain clients and would stay for long periods without delivering the vehicle, after which she would neither refund the amounts paid nor deliver the vehicles.

John was one of the people who suffered as a result of Monalisa's actions and decided that it was time somebody took action. After several unanswered calls, John, decided to approach you as a lawyer so that you can advise him on the best way to deal with the predicaments below:

- a) Identify and explain at least two options he has in law (10 Marks)
- b) What specific criminal offence do you think MONALISA has committed? (2 Marks)
- c) Evaluate the alternative of taking a criminal action against MONALISA (10 Marks)

- d) Can the police still continue with the proceedings against MONALISA if he chooses to forgive her? Why? (8 Marks)

QUESTION TWO

Identify and explain the criminal law aspects arising in the scenarios below:

- a) AGGREY a citizen of MANGOLA, suffers from epilepsy and takes a daily dose of medicine to keep the fits away. Two weeks ago, he however forgot to take his medicine and while operating a farming machine, he suffered an epileptic fit making it difficult for him to control the farming truck. As a result, the farming truck he was operating rammed into MARIGO'S granary causing him hundreds of thousands of losses. AGGREY has now been charged with malicious destruction of property. (10 Marks)
- b) In a fun filled afternoon, three boys SHOSHANA, ARI and BENZO decided to play a joke on SHOSHANA's grandfather by tying him to the railway tracks. The inter-county train would stop 100m from the spot they had tied him and they foresaw they would have time to untie him on time. Unknown to them, the inter-county train only stopped when there was someone who was alighting. On this fateful occasion no-one was alighting. The train driver could see from a far the tied old man. The mechanics of the train make it difficult for it to stop suddenly, and such a move would instantly kill all the passengers aboard. The driver was overcome with confusion since either way he may face charge or charges of murder seeing as either the old man or his passengers would have to die. (10 Marks)

QUESTION THREE

'Some would say that criminal law is inconsistent because what is a crime in one place may not be necessarily a crime in another place. It is also said that what has already been considered by law to be a crime could be justified or excused'. *Anon.*

Discuss

(20 Marks)