



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2017/2018

SECOND SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 111: CRIMINAL LAW II

DATE: Thursday 14th June 2018

TIME: 9.00 a.m. – 11.00 a.m.

INSTRUCTIONS:

1. All questions are compulsory.
 2. Support your answer with relevant illustrations from case law, statutory provisions and any other references
 3. Your writing must be **NEAT** and **LEGIBLE**.
 4. Your answer booklet must bear your assigned **REGISTRATION NUMBER**, both on the cover and every written page therein.
 5. Do not scribble or draft answers on the inner or outer cover pages or your answer booklet.
 6. Do not write anything except your **REGISTRATION NUMBER** on this question paper.
 7. All Kenyatta university Examinations rules apply as if they were contained herein.
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1. Mwamba and Tina had a volatile and abusive relationship. When they argued, Tina became extremely violent and often punched and kicked Mwamba, but he never retaliated. In the past, Mwamba suffered fractures, lacerations and bruising as a consequence of violence after arguments with Tina. Mwamba has recently been diagnosed as suffering from depression, which the doctor thinks is largely as a result of being in an abusive relationship.

One evening when Mwamba returned from work, he found Tina slumped in a chair, with an empty vodka bottle in her hand. Tina started shouting obscenities at Mwamba and calling him names. Mwamba told her that he had had enough and was going to leave her. Tina was furious and started throwing objects from the living room at him. She then hit him with her umbrella. At this point Mwamba snapped and strangled Tina, intending to cause her grievous harm. Tina died instantly. Mwamba tied Tina's neck with a rope and hanged her in the living room.

Advise Mwamba on his criminal liability and the defences available to him. **(30 Marks)**

2. Viktor needed money to buy drugs, so he decided to break into a school with the intention of stealing something of value that he could sell to raise cash.

The following night, he went to the school and broke a window leading to the Information Communication and Technology room and stole four laptops, before leaving the school the same way as he had got in.

The next day, Viktor was in his flat when he heard sirens outside. He looked out of his window and saw two police cars stop outside where he lived.

As he had been in trouble with the police before, Viktor assumed that the police had connected him to the theft of the computers. He took his gun out of the drawer, aimed it at the officers and warned them against entering the building.

One of the officers tried to talk to Viktor and started to walk towards the building, at which point Viktor aimed the gun at the officer and shot at him. The bullet missed the officer but hit Sheri, a woman who was getting off a bus, killing her instantly.

With reference to the above scenario, and with the help of relevant case laws and statutory provisions, discuss the offences against property under the Penal Code, Cap. 63.

(20 Marks)

3. With the help of statutory provisions and citing relevant case laws, discuss offences of treason, misprision of treason and sedition.

(20 Marks)