

**THE INDEPENDENT EXAMINATION COMMITTEE  
GENERAL LEGAL COUNCIL  
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PROFESSIONAL LAW COURSE  
FINAL EXAMINATION 2017/2018 ACADEMIC YEAR**

**DATE:** THURSDAY, 31 MAY 2018  
**SUBJECT:** CRIMINAL PROCEDURE  
**TIME ALLOWED:** THREE (3) HOURS 10:00am – 1:00pm

**INSTRUCTIONS TO CANDIDATES:**

1. Read the instructions very carefully before beginning your answers.
2. Answer any **FOUR (4) QUESTIONS**.
3. Credit will be given for legible handwriting, clarity of expression and orderly presentation of answers.
4. Do not write or sign your name on the Answer Booklet. Only write your index number.
5. Adhere strictly to the instructions on the front cover of your Answer Booklet.

**THIS QUESTION PAPER MUST NOT BE REMOVED FROM THE EXAMINATION HALL**

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**QUESTION ONE**

In a criminal trial, the trial judge ruled on aspects of the case while the trial progressed. Briefly comment on the following rulings:

- a. The Accused person is an ex-convict because he was convicted in this very court and sentenced to prison only last week.
- b. In this case, the accused failed to cross examine the witness of the prosecution. The rule is that a party will be bound by evidence adduced before him if he fails to cross examine on it. This rule will however not be applied in the instant case because during the trial, the Accused showed that he was a total illiterate and did not understand the meaning of cross examination.

- c. I will rely on the evidence of the witness even though it was not recorded in the proceedings because everybody in the town knows that the Accused is a notorious armed robber.
- d. The evidence in this case is mostly circumstantial and the circumstantial evidence is consistent with the guilt as much as with the innocence of the Accused. The Accused will nevertheless be convicted because if he did not enter the room, he would not have been brought to court for unlawful entry.
- e. I do not see how I can convict on the evidence of only one witness for the prosecution when the accused has produced no less than seven witnesses in support of his case.

[Total 25 Marks]

## QUESTION TWO

On 14<sup>th</sup> February 2017, at about 10pm, Atta Kwabena a cleaner at A&B Company Ltd. broke into the office of Mr. Dadson, the CEO of the Company and took away an HP laptop and an amount of thirty thousand Ghana Cedis (GH¢30,000) kept in a cabinet in the office. Investigations conducted by the Police led to the arrest of Atta Kwabena.

- a) What charge(s) can be proffered against Atta Kwabena? [6 marks]
- b) What will be the mode of trial? [3 marks]
- c) Describe his trial up to the time when he would either be convicted or acquitted. [16 Marks]

[Total 25 Marks]

### QUESTION THREE

With reference to the relevant authorities, discuss the circumstances under which a court may refuse to grant bail to an Accused person or suspect.

[25 Marks]

### QUESTION FOUR

Describe the procedure that you will advise to be adopted in the following situations to obtain the required evidence:

a. In the course of the trial in a District Court at Keta, Counsel for the accused informs the court that his witness who lives in Accra is about to leave the jurisdiction of the court and will definitely not be available to testify when the trial starts. He therefore applies that his evidence should be taken even though the trial is yet to be started.

[12 Marks]

b. The accused has been charged with an indictable offence in Accra. During the committal proceedings, the court was informed that there is only one witness, to the incident leading to the charge and who is listed to be called by the prosecution. That witness is however dangerously ill and the doctors have certified that he could die within one month and long before the trial can officially commence.

[13 Marks]

[Total 25 Marks]

### QUESTION FIVE

In a criminal trial at the District Court, the Accused objected to the tendering of a cautioned statement he made to the police on the ground that its contents did not emanate from him. In other words, he denied being its author, and the story contained therein was fabricated by the police investigator.

As a lawyer in this matter, how would you expect the court to deal with this objection?

[25 Marks]

**QUESTION SIX**

a) When a charge is attacked or described as 'bad for duplicity' what does it mean?

[12 Marks]

b) What information must be laid before a District Magistrate to warrant the issuance of an order to execute a bond to keep the peace under Act 30?

[5 Marks]

i) State how the information must be laid before the District Magistrate.

[3 Marks]

ii) What steps may be taken by the Magistrate before exercising any final option?

[2 marks]

iii) What final options are open to the Magistrate?

[3Marks]

[Total 25 Marks]

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