



PAC INSTITUTE OF TECHNOLOGY AND SOCIAL STUDIES JANUARY – APRIL 2025 ASSESSMENT

FORMATIVE ASSESSMENT

Qualification Code : 042106T4CRJ
Qualification : CRIMINAL JUSTICE
Code : SEC/OS/CJ/CC/01/6/A
Unit of Competency : CRIMINAL LAW

TIME: 3 HOURS

APRIL 2025

INSTRUCTIONS TO THE CANDIDATE:

- 1. Read all the instructions carefully before attempting the questions.*
- 2. This paper consists of two sections, A & B.*
- 3. You are allowed 3 Hours to Answer the questions.*
- 4. Marks for each question are indicated in brackets.*
- 5. Write your responses in the Separate Answer booklet provided.*
- 6. Do not write anything on this question paper.*

SECTION A: (40 MARKS)

*Answer **ALL** questions in this section.*

- 1) Differentiate between **felonies** and **misdemeanours** under Kenyan Criminal law. (4mks)
- 2) State **FOUR** sources of criminal law. (4 mks)
- 3) After an arrest, Law enforcement officers should inform an offender or suspect about their rights. Highlight **FOUR** Miranda briefing that should be stated. (4mks)
- 4) State **FOUR** elements of crime (4mks)
- 5) Name **TWO** courts established under the high Court of Kenya and state a function of each. (4mks)
- 6) Highlight **FOUR** matters that a court should consider before determining proper sentencing. (4mks)
- 7) State **FOUR** formal requirements of satisfying a judgment. (4mks)
- 8) Differentiate between an arrest without a warrant and an arrest with a warrant. (4mks)
- 9) State **FOUR** functions of Criminal Law. (4 mks)
- 10) State **TWO** differences between criminal law and civil law. (4 mks)

SECTION B: (60 MARKS)

Answer any **THREE** questions in this section.

11. Defenses in criminal law are legal strategies that can help a defendant avoid criminal responsibility. They can be used to reduce liability, establish innocence, or contest charges. Alex is attacked by a robber at night. In defending himself, he fatally stabs the robber.
- a) Discuss the legal defence that Alex can raise (5 mks)
 - b) Explain the following defences according to Criminal Law (15 mks)
 - i. Defence of duress
 - ii. Defence of infancy
 - iii. Defence of Intoxication
 - iv. Defence of insanity
 - v. Defence of entrapment
12. A criminal procedure process refers to the series of steps taken by law enforcement and the court system, ensuring due process rights are followed throughout the process.
- a) Discuss the professionals that are involved in the Criminal Procedure process (10 mks)
 - b) Discuss the flow of the Criminal procedure process in Kenya(10mks)
13. Administrative law is a branch of public law that governs how government agencies operate. Administrative justice is a system of laws and procedures that ensure public bodies act fairly and lawfully. It also refers to the processes that allow people to challenge public decisions.
- a) Explain **FIVE** roles of administrative law in the Kenyan criminal justice system. (10 mks)
 - b) Discuss the principles that guide administrative justice in Kenya. (10mks)
14. “Natural justice” is the idea of fairness and what is right in both moral and legal sense.
- a) Discuss **FOUR** principles of natural justice (8 mks)
 - b) Explain the following; (4mks)
 - i. Principle of proportionality
 - ii. Innocent until proven guilty
 - c) Discuss **FOUR** importance of natural justice (8mks)