



SCHOOL OF LAW

NLLB 205 CRIMINAL PROCEDURE

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2026

LECTURER : MR. D. TANDIRI

DURATION : 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet**
- 2. Question Number 1 is compulsory in Section A**
- 3. Answer any three (3) questions in Section B**
- 4. Begin your answer for each question on a new page**
- 5. Each question is worth 25 marks**

SECTION A : THIS QUESTION IS COMPULSORY

QUESTION 1

Moses Mutongi is the leader of an opposition political party called Shanduko Munyika. On the 20th May 2026 he was arrested without a warrant by members of the Zimbabwe Republic Police (Z.R.P). He was never informed of the reason(s) for his arrest. He was not advised of his rights. He was arrested solely because he is the leader of an opposition political party. The police took him to the offices of the ruling political party where he was detained for two days. The police later took him to a local police station where they detained him in solitary confinement. He was denied an opportunity to communicate with his relatives and legal practitioner. He was interrogated and tortured during the period he was in detention. The police accused him, during interrogation, of wanting to overthrow the head of state. He was also forced to make a confession and sign a statement incriminating himself. He is still in police custody and is yet to be taken to court for initial remand. The police never applied for a warrant for further detention.

Advise Moses Mutongi of:

- a) The lawfulness of his arrest and detention. [15 marks]
- b) The legal remedies which are available to him. [10 marks]

SECTION B : ANSWER ANY THREE (3) QUESTIONS

QUESTION 2

- a) Discuss the jurisdiction of the Constitutional Court over criminal cases in Zimbabwe [5 marks]
- b) With the aid of case law authorities and statutory provisions highlight and discuss the circumstances when the High Court of Zimbabwe will have jurisdiction over crimes or offences which were committed outside Zimbabwe [15 marks]
- c) What are the major differences between an appeal and review? [5 marks]

QUESTION 3

- a) Explore the major features of the adversarial and inquisitorial systems of criminal procedure [10 marks]
- b) Discuss the crime control and due process models of criminal justice systems. Which model must Zimbabwe adopt? [15 marks]

QUESTION 4

- a) Examine any three (3) pleas which an accused person can raise in response to a charge? [9]

- b) When can an accused raise an exception against a charge sheet? In your answer highlight what the accused needs to prove in order for the exception to be upheld. Also state the effect of a successful exception. **[6 marks]**
- c) Analyse what an accused must prove in an application for discharge at the close of state case. **[10 marks]**

QUESTION 5

Simba Sithole went to House No. 4455 Gaza Chipinge at night. He broke the main door and gained entry into the house. He then pointed a firearm at Petros Munhukwaye, the owner of the house and forced him to give him US\$ 10 000.00 which was in the house. Immediately after receiving the money, Simba Sithole forcibly took the vehicle belonging to the owner of the house and drove away. In an endeavor to avoid arrest he then burnt the vehicle at a secluded place. He was subsequently arrested and charged with malicious damage to property in respect of the door and car. He was also charged with pointing a firearm and robbery.

Advise Simba Sithole whether he can successfully argue that there is improper splitting of charges **[25 marks]**