



“Investing in Africa’s Future”

SCHOOL OF LAW

NLLB312: CLINICAL AND PRACTICAL SKILLS

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: L. MANYIKA

DURATION: 2 HOURS

GENERAL INSTRUCTIONS TO CANDIDATES

1. Do NOT write your name on the answer sheet
2. Answer **ALL** questions
3. Begin your answer for each question on a new page.

Section A (Answer any TWO questions from this section)

QUESTION ONE

Below is a statement recorded at Chikanga Police Station

Chikanga Police Station

CR06/01/26

STATEMENT

Tendai Mlambo

NR- 63-109823-M-85

Age: 46 Years

States

1. I am a female adult residing at No 1213 Chikanga Phase 2, Mutare. My phone number is 0774068829.
2. On the 2nd of January 2026 I was at my house. At around 1900hrs I retired to bed having securely closed all my windows and locked all my doors.
3. When I woke up in the morning I went to the dining room and noticed that the curtain was being blown by the wind. I went to check and discovered that the window was broken and then opened.
4. I checked in the house and discovered that the following property was missing:- a Lenovo laptop, Samsung cell phone S23, and cash amounting to USD 400 which was in my handbag.
5. I immediately made a report to Chikanga Police Station. The Investigating Officer tracked my phone and the trace led him to Chikanga 1 shops. The Investigating officer went and confronted one Shepherd who sells second hand phones and also does phone repairs. He found the Samsung S23 phone amongst the phones which were being sold by Shepherd, took Shepherd for questioning who revealed that the phone had been sold to him by his brother's friend John Banda.
6. The Investigating Officer called me to Chikanga Police Station where I positively identified the phone as mine. Shepherd directed us to John Banda's place where we found him sleeping in his room.
7. John Banda was arrested and upon searching his house, the Investigating Officer found my Lenovo Laptop and my sim card under his bed.
8. John Banda was taken to the police for further questioning.
9. That is what I can say at the moment.

Signed Tendai Mlambo (signature on handwritten one)

Recorded by: Cst Ngoro

Place: Chikanga Police Station

Date: 03/16/2026

- a) From the above statement, you are required to identify the appropriate charge and draft a charge sheet for that charge. **[10 Marks]**
- b) Draft an Outline of the State Case for the charge drafted in (a) above. **[10 Marks]**

QUESTION 2

The following is an extract of a judgment from the Magistrates Court:-

In the matter of: State v Mora

Held at: Mutare Magistrates Court

On 28 February 2026.

Charge: **Fraud as defined in Section 136 of the Criminal Law (Codification and Reform)**

Act Chapter 9:23

Before: Magistrate Tsuru (Provincial Magistrate)

Plea: Not guilty

Verdict: Guilty as Charged

No previous Convictions

Sentence: 36 months imprisonment of which 12 months is suspended for 5 years on condition he does not within that period commit any offence involving dishonesty for which upon conviction he is sentenced to imprisonment without the option of a fine. Effective 24 months imprisonment.

From the above, draft the preamble of the notice of appeal against conviction and sentence and two grounds of appeal.

[10 Marks]

QUESTION 3

Don sued Tee for the recovery of a debt amounting to USD 6000 which Don lent to Tee. Tee signed an acknowledgment of debt wherein he acknowledged that he owed the amount stated and would repay it in three instalments of USD 2000 by 30 June 2025. Despite several demands, Tee failed to pay any of the instalments when they were due, prompting Don to institute legal proceedings against Tee. Don prepared summons which were issued by the Clerk of Court. Don instructed the Messenger of Court to serve the summons at Tee's address. The summons is served by the Messenger of Court at Tee's place of residence on 20 December by handing them to Paul, Tee's gardener, who accepted service on behalf of Tee. Tee did not respond to the summons and Don successfully applied for a default judgment against him. Don obtained a warrant of execution and instructed the Messenger of Court to effect that warrant. The Messenger of Court served Tee with the warrant of execution against property and went on to attach his Toyota Aqua. Tee was puzzled to see the warrant of execution since he never saw any document suggesting that he was being sued. Tee immediately checked with the Court and realised that an order was entered against him 25 days ago. A perusal of the return of

service showed that the summons was served on Paul, Tee's former gardener who has since left employment. Tee approaches you and indicates that he wants the order to be reversed and alleges that there was a set-off of the amount claimed by Don when Don hired him to build his mother's house since he is a builder. Tee indicated that it is Don who is supposed to pay him USD 500 instead. Draft the necessary application for Tee. **[30 Marks]**