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EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

REGISTRATION NUMBER:

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CENTRE: Co-operative University JKUAT Kenya School of Law

ATP101: CRIMINAL LITIGATION

Examination Series: April 2026

Date: 13th April 2026

Time: 09:00AM - 12:00PM

Duration: 3 hours

Instructions to Candidates:

- Enter your registration number and tick the exam Centre in the space provided.
- Answer **FIVE (5)** questions, including question **ONE**, which is **COMPULSORY**.
- Question **ONE** carries **20 Marks**. All other questions carry **10 Marks** each.
- Attempt each question in the space provided.
- Answers **MUST** be supported by relevant statutory provisions and case law where required.
- Do not write your name in the booklet.
- Ensure your handwriting is **LEGIBLE**.

FOR EXAMINER'S USE ONLY

Question Number	Examiner		Internal Moderator		External Moderator		Quality Assurer	
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QUESTION THREE

Lucky who recently declared an interest to vie for the position of Governor in Utopia County has gained prominence amongst young voters due to her support of the “Gen Z” led protests that were recently experienced in the country. This support has equally earned her enemies. Some of her key supporters were recently arrested and arraigned in court for charges of incitement to violence and destruction of property. Lucky has spoken out against these arrests and alleges that they are meant to intimidate her. She particularly points out to the fact that the Utopia County Police Commander, who is the brother in-law to the serving Governor, is behind the arrests. The County Commander has also been accused of being behind abductions of the Governor’s political opponents in the past.

Recently, violent protests erupted outside the County Headquarters when a group of protestors gathered to demand the resignation of the Governor for what they termed as “mismanagement and gross incompetence.” In a press conference later that day, the County Commander vowed to crush the “rioters and their Chief funder, Lucky.” Upon making these remarks, more of Lucky’s supporters and close family members were rounded up and detained in different police stations across the County. Lucky, who has been on a tour of the United States of America has been informed that police are looking for her and they have been seen camping outside her residence. She is due to return to the country in three days’ time but is apprehensive that her rights might be violated.

Prepare the necessary pleadings for filing in court to protect her rights.

(10 Marks)

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QUESTION FIVE

The Directorate of Criminal Investigations (DCI), in collaboration with officers from Ethics and Anti-corruption Commission (EACC), successfully investigated allegations of embezzlement of public funds and abuse of office against Mr. Ndovu, a first term Governor in Kenya. After reviewing the evidence, the ODPP directed the investigators to trace properties associated with Mr. Ndovu. In addition, the ODPP preferred an additional charge of Acquisition of Proceeds of Crime Contrary to Section 3(b)(1) as read with Section 16(1)(9) of the Proceeds of Crime and Anti Money Laundering Act (POCAMLA). This was after the investigators established that Mr. Ndovu held a suspicious bank account at ALLTOPS Bank, Kitengela Branch, Account 0012345678900, in the name of NDOVU MAPENDELEO, which received deposits totaling Kshs. 12,600,000 (Twelve million, six hundred thousand shillings), within the first three months of his tenure as Governor. At the conclusion of three-year trial, the governor has been convicted on all counts and sentenced to pay a hefty sum of fines. The court has further ordered that all properties and funds held in bank accounts, constituting the proceeds of crime, be forfeited to the state. Mr. Ndovu's family has retained you to secure his immediate release and to lodge an appeal against his conviction and sentence.

- a) Citing relevant law, examine the legal principles the court would consider in determining the application for bail pending appeal. **(6 marks)**
- b) Advise the ODPP on the most appropriate immediate legal remedy available to preserve the funds in the said account pending investigations and further orders of the court. **(4 marks)**

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