



THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES

LL.M IN CRIMINAL JUSTICE ADMINISTRATION DEGREE PROGRAMME

FINAL EXAMINATION (FIRST YEAR) - 2023/2024

LLPA605 -CRIMINAL PROCEDURE

DURATION: 03 HOURS

Date: 08.12. 2024

Time: 09.30 a.m. - 12.30 p.m.

Total Number of Questions: 06

Question No.01 is compulsory

Answer FOUR (04) questions including question No.01.

Each question carries 25 marks

Candidates will be penalized for illegible handwriting.

1.

- (i) In what situations does the statutory law govern the **privilege against self-incrimination**, or the right to silence, in the course of criminal investigations?
- (ii) Does the said privilege extend to proceedings before court, excusing a witness from answering a question raised?
- (iii) Set out the purposes for which a statement made to the police, recorded in the course of an investigation can be used in the trial process.

2. Discuss, as to whether, the rules enunciated in **LIYANAGE V THE QUEEN** (1965-68 NLR 265), **BRIBERY COMMISSIONER V RANASINGHE** (1964 - 66 NLR 73), and **ROHANA ALIAS LOKU V HON. ATTORNEY GENERAL** ([2011] 2 SRI L.R. 174), pertaining to criminal procedure - adhering to the principle of constitutional supremacy - have made a contribution to maintain and promote the rule of law.

3. Examine the basic rule regarding framing of 'charges', as set out in Section 173 of the Code of Criminal Procedure Act, and, the broad principles pertaining to joinder of charges, that stand as exceptions thereto.
4. Explain how the internationally recognised principle of '**an accused person's right to a fair trial,**' in the context of criminal proceedings, has been scrupulously safeguarded both by statute law and the common law in Sri Lanka.
5. 'Clear and sufficient proof of the commission of the offence alleged, is not a *sine qua non* to execute a lawful arrest'
Discuss analysing the relevant judicial decisions.
6. Critically analyse the objectives of the sweeping changes, introduced to the system of bail, by the Bail Act No. 30 of 1997 which are **non-existent** under the Code of Criminal Procedure Act No 15 of 1979.

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