



THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.M IN CRIMINAL JUSTICE ADMINISTRATION
FIRST YEAR - FINAL EXAMINATION – 2013/2014
LWP2205 – CRIMINAL PROCEDURE
DURATION: 03 HOURS

DATE: 17th May 2014

TIME: 9.30 a.m. – 12.30 p.m.

Total No. of Questions : 06

Answer four (04) questions only.

Candidates will be penalized for illegible handwriting.

01. “A court is allowed to convict an accused person only on substantive evidence. Situation has arisen now to change the procedure in order to allow statements made to an investigator, to be used at a trial”

Critically examine the above statement by referring to existing concepts and procedures, and make suggestions if any.

02. Explain the role of police officers and scientific experts during a visit to the crime scene in a murder case. Once a suspect is arrested in such case describe steps that should be taken by the police. If the eye witness states that the crime was committed by an unknown person, explain as to the procedural steps that should be followed by the police and the magistrate to establish the identity of the suspect.

Reference should be made to the provisions of law that governs the procedural steps in an investigation.

03. Should there be a balance between 'fair trial' and Victims' rights?

Discuss the concept and application of 'fair trial' and Victims' rights in Sri Lanka and other jurisdictions.

04. Police were looking for one Nilame in connection with a murder committed by way of shooting. Police had recorded statements of several eye witnesses who had implicated Nilame for the shooting. Police were unable to trace Nilame for several days. Two weeks later a team of police officers entered into the house of one Karunanayake, a friend of Nilame in the midnight without a warrant. Despite the objections of Karunanayaka, police searched the house but they could not find Nilame.

However, police found four couples in four separate rooms of the house. They were not connected to Karunanayake. They were not married to each other. They failed to give exact names of their respective partners. Police arrested the four couples and the Karunanayaka and kept them in police custody for 36 hours. Subsequently police produced them before the magistrate on an allegation of 'prostitution'. Magistrate remanded them for fourteen days upon the request of the police.

Karunanayaka and couples have filed a fundamental rights case for illegal search, arrest and detention.

Discuss the legality of the conduct of police officers by referring to relevant provisions law and decided cases.

05. “In a jury trial, High Court Judge is merely a spectator, Jurors are the main actors. Even the Court of Appeal is unable to interfere with the verdict of jurors”

Critically examine the above statement by referring to the following: Powers of High court judge, responsibilities of jurors, judge’s role in summing up, limited powers of a high court judge and Court of Appeal in interfering with the verdict of the jury.

Refer to the relevant provisions of law and decided cases.

06. Discuss various sentencing options available under our law. In what instances a judge can impose a suspended sentence?

Attention should be drawn to the provisions of law in the Code of Criminal Procedure.

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