

**THE OPEN UNIVERSITY OF SRI LANKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
**LL.M. IN CRIMINAL JUSTICE ADMINISTRATION - LEVEL 7**  
**FINAL EXAMINATION – 2014 / 2015**  
**LWP 2305 - CRIMINAL PROCEDURE**  
**DURATION – 03 HOURS**



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Date : 05<sup>th</sup> December 2015

Time: 10.00 a.m. – 1.00 p.m.  
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Total number of questions 6

**Answer FOUR (04) questions only. Each question carries 25 marks**

Candidates will be penalized for illegible handwriting.

1. Examine the provisions of the Assistance to and Protection of Victims of Crime and Witnesses Act and discuss as to how in the implementation of Act delicate balance should be maintained between rights of victims, suspects and law enforcement agencies. Focus should be drawn to competing interests, legal, societal and ethical and practical Issues.
  
2. Discuss the legal, procedural and practical issues that have to be considered in dealing with sexual offences with special focus on child abuse cases. Attention should be drawn to problems that are encountered at the stage of investigation, taking decision by prosecutors and deciding the guilt of the accused by judges.
  
3. "Statement made to a police officer is not regarded as substantive evidence. Further there exists too many laws and legal provisions to protect 'fair Trial' rights of an accused persons"

Critique the above statement and express your views as to whether our criminal justice system is more weighted towards accused or not. Refer to relevant principles of law and legal provisions in our system.

4. Evaluate the concept, practice and legal issues relating to conditional pardon, accomplice and magistrate recording statements from persons during an investigation.
  
5. Examine provisions with regard to bail under different statutes and express your views as to how the existing law should be reformed for the best interest of the victims, society and suspects.
  
6. 'A judge need not await till the prosecutor formally closes his case, to acquit an accused person'.

Discuss the above statement with the development of the law. In addition, explain the powers of Attorney General to

- (a) 'Discharge' a suspect
- (b) Withdraw an indictment

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