



JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY

SCHOOL OF INFORMATICS AND INNOVATIVE SYSTEMS

UNIVERSITY EXAMINATION FOR THE DEGREE OF BSC IN COMPUTER

SECURITY AND FORENSIC

3RD YEAR 1ST SEMESTER 2018/ 2019 ACADEMIC YEAR

MAIN CAMPUS

COURSE CODE: BLB 3113

COURSE TITLE: LAW OF CRIME

EXAM VENUE:

DATE: STREAM: BSC FORENSICS

TIME: 2 HOURS EXAM SESSION:

INSTRUCTIONS

- 1. Answer Question 1 and any other TWO questions.**
- 2. Support each of your answers with relevant case law, statutory provisions and/or any other relevant authorities**
- 3. Marks may be lost for illegibility, prevarication or vagueness**
- 4. Your answer sheet must bear your Student Registration Number**

QUESTION ONE 30 MARKS

(a) Musyoka has been charged with rape which is alleged to have been committed in the following circumstances. He met the complainant, Akinyi, in the early hours of the morning as she was leaving a nightclub in Bondo. She had obviously had a good deal to drink. They got into conversation and she accepted an invitation to go back to his apartment for coffee. While they were in the apartment some sexual intimacy took place between them. He requested her to have sexual intercourse with him. At first she refused but she later changed her mind and they had intercourse. Some days later, Akinyi made a complaint to the OCS, Bondo Police Station that she had been raped by Musyoka on the occasion in question. She said that she would never have consented to have intercourse with him if she had been sober, that he was well aware that she was heavily intoxicated and that he took advantage of her while she was in that state. She also claimed that, to the best of her recollection, while intercourse was taking place, she had asked Musyoka to desist but that he had persisted. Assume that Akinyi's version of events will be accepted by the police, and then advise Musyoka as to whether, in these circumstances, he is likely to be convicted of rape. **(10 Marks)**

(b) Outline the historical development of criminal justice in Kenya. **(10 Marks)**

(c) The misuse of the technology has created the need of the enactment and implementation of the cyber laws. As the new millennium dawned, the computer has gained popularity in every aspect of our lives. Discuss **(10 Marks)**

QUESTION TWO 20 MARKS

(a) One afternoon in November, 2018, Kasyoka went to visit her friend Mwende who lived in a nearby house with her 21-year-old son Munyoki. While all three of them were having tea in the living room, Mwende was called to the phone which was in an adjacent room. Very soon after Mwende left the living room, Munyoki suddenly, and without explanation, attacked Kasyoka and strangled her with a scarf which she was wearing. Despite efforts to revive her, Kasyoka died a short time later. Munyoki was immediately arrested and charged with her murder. His trial is due to take place some weeks from now. He has undergone a psychiatric examination and it is the psychiatrist's opinion that while, at the time of the attack, Munyoki would have understood what he was doing and would have known that it was wrong, he was suffering from what is described as an adjustment disorder which may have been a reaction to the sudden death of his father some months earlier. The psychiatric report indicates that this disorder may have seriously reduced Munyoki's capacity to refrain from the violent, and ultimately fatal, assault which he perpetrated against Kasyoka. In light of this information,

you are requested to advise Munyoki's defence counsel of any defence(s) which might be raised on his behalf at the forthcoming murder trial. **(10 Marks)**

(b) Discuss the four basic principles of criminal law.

(10 Marks)

QUESTION THREE 20 MARKKS

(a) "Technological advancements have created new possibilities for criminal activity, in particular the criminal misuse of information technologies"- Anonymous.

Discuss **(10 Marks)**

(b) Hassan and Ole Maasai had a quarrel over heads of cattle in the crowded Kitengela Township. Hassan was so agitated that he wanted, and tried ,to shoot Ole Maasai with an arrow. However, the arrow missed Ole Maasai and shot Katunge who died on the spot. The Director of Public Prosecutions intends to charge Hassan with the murder of Katunge. His advocate argues that this charge cannot hold since the arrow was intended to hit Ole Maasai and not Katunge. Discuss. **(10 Marks)**

QUESTION FOUR 20 MARKKS

The common types of cyber-crimes may be classified into three; against the individual, against property of individual and against organizations. Discuss **(20 Marks)**

QUESTION FIVE 20 MARKKS

Write concise notes on the following : **(20 Marks)**

- (a) Cyber crime
- (b) Mens rea
- (c) Nulla poena sine lege
- (d) Jurisdiction of Supreme Court of Kenya