

UNIVERSITY EXAMINATIONS



October/November 2025

**CPR3701**

**Criminal Procedure**

**80 Marks**

**Duration: 4 Hours**

First examiner: M T Mokoena

Second examiner: M Mkhabela

This paper consists of 10 pages.

**INSTRUCTIONS FOR A TAKE-HOME EXAM ON MYEXAMS**

**PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE ANSWERING THE EXAMINATION QUESTIONS.**

1. The examination question paper counts **80 (eighty) marks**.
2. Answer **ALL** the questions.
3. The duration of the examination on the timetable is **4 (four) hours**.
4. In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE the uploading of your exam file**. Your exam file must be uploaded via the myExams platform on **15 October 2025 BEFORE 12:30 (South African Standard Time)**.
5. This is a **closed-book examination**. While the examination is in progress, you are not permitted to consult
  - 5.1 any of your study material or any other source to obtain answers; and
  - 5.2 another person, whether directly or indirectly, to assist you to answer any of the questions contained in this question paper.
6. This examination is proctored via the Invigilator App. You are required to **activate (or log in to) the Invigilator app** between **07h45** and **08h30** (South African Standard Time).



|                                                                                   |                 |
|-----------------------------------------------------------------------------------|-----------------|
|  | CPR3701         |
| Date:                                                                             | 15 October 2025 |

#### INSTRUCTIONS ON THE DAY OF ASSESSMENT:

- Ensure you are connected to the internet in order to log into The Invigilator mobile App and scan this QR code.
- If you encounter difficulty in scanning the QR code, you can alternatively enter the Exam Access Code below the QR code to start the invigilation.
- If you finish your assessment before the app timer has run out you need to press the 'Finish Assessment' button and follow instructions before you exit or minimise the app. Please note that the 'Finish Assessment' button will not appear immediately, it will only appear after the prerequisite minimum time to write your assessment has lapsed.
- Scan the QR code at the start time of the assessment, unless otherwise specified by your institution, note that you can only scan this QR code once.
- The Invigilator App may request you to take photos of your examination script after the assessment. If applicable this will be prompted and you are required to action this immediately. Please follow the instructions on the App and take note that your academic institution may still require you to submit your script on the relevant portal.
- **The QR code is only scannable for a limited time and it should therefore be scanned as soon as possible after the assessment commencement time.**
- Keep the Invigilator App open on your smartphone for the full duration of the assessment. You are not allowed to minimise or leave the app during your assessment.
- You must adhere to the assessment time limit communicated to you by your institution. The timer displayed in the Invigilator may vary depending on the start time of invigilation.

#### YOUR EXAM QR CODE & EXAM ACCESS CODE

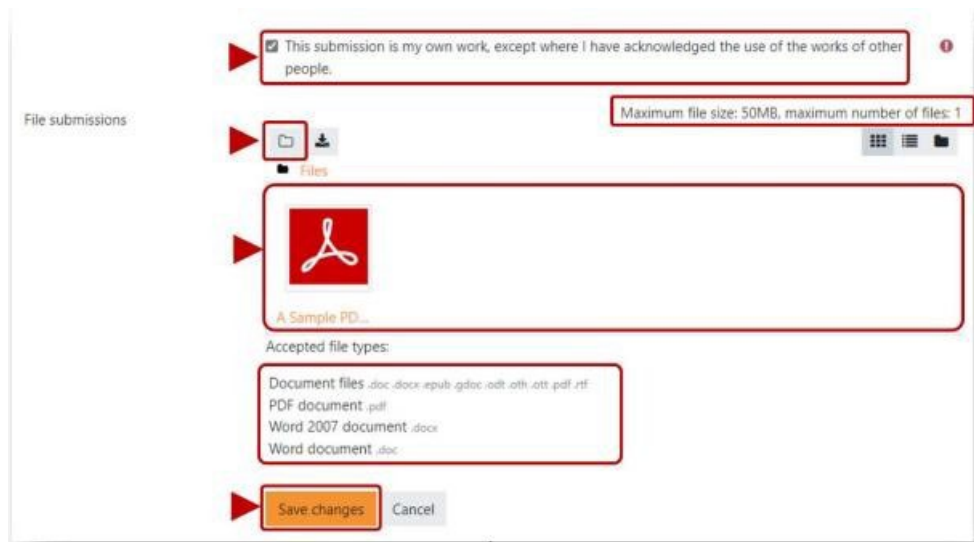


Exam Access Code: d70a58d3

#### FURTHER GUIDANCE

- If you only have one device you may access your assessment in the App by pressing the 'Access Browser' button in the top right corner of your App.
- Once the QR code is scanned, ensure your media volume is turned up and place your smartphone next to you.
- The Invigilator App will notify you with a notification beep when you are required to action a photo request, which you should then perform as soon as possible.
- We recommend that you keep your smartphone on charge for the duration of the assessment.
- Ensure you are connected to the internet when commencing invigilation. You also need to be connected to the internet at the end of the assessment to upload the app data gathered during invigilation. It is advisable to upload app data as soon as possible after the assessment. Institutions do apply a limited time to upload app data.
- If your assessment has multiple online sections, tests or attempts, you should NOT finish the invigilation until your entire assessment has been completed.
- Should you encounter any technical difficulty, please WhatsApp The Invigilator Helpdesk on +27 (0)73 505 8273

- 6.1 **Please note:** If a student is found to have been outside the invigilator app for a total of 10 minutes during their examination session, they will be considered to have violated Unisa's examination rules and their marks will be withheld.
- 6.2 **You will not be able to submit your script on the Invigilator App.**
- 6.3 You will have **48 hours from the date of the examination to upload your invigilator results from the Invigilator App.** Failure to do so will result in you being deemed not to have utilised the invigilation or proctoring tools.
7. The uploading of your exam file on the myExams platform must be **finalised within 30 minutes of the scheduled (timetabled) end of the exam. PLEASE UTILISE THE FINAL 30 MINUTES TO UPLOAD your paper, and not to write.**
- 7.1 When ready to submit, open the Take-Home (Assignment) assessment again and click on the Add Submission button.
- 7.2 Note the file requirements such as:
- a. File size limit.
  - b. Number of files that can be submitted.
  - c. File formats allowed.
- 7.3 Check the acknowledgment checkbox and upload your answers document and then click on the Save changes button.



- 7.4 Review your submission information regarding the status and click on your submission file link to check if it's correct.

Submission status

|                   |                                  |
|-------------------|----------------------------------|
| Submission status | Submitted for grading            |
| Grading status    | Not marked                       |
| Due date          | Saturday, 11 June 2022, 12:00 AM |
| Time remaining    | 37 days 8 hours                  |
| Last modified     | Wednesday, 4 May 2022, 3:05 PM   |

File submissions

|                                                                                                    |                     |
|----------------------------------------------------------------------------------------------------|---------------------|
|  A Sample PDF.pdf | 4 May 2022, 3:05 PM |
|----------------------------------------------------------------------------------------------------|---------------------|

Submission comments

▶ Comments (0)

- 7.5 If you need to resubmit a file, you can click on the Edit Submission button. **Do not click on the Remove submission button.** Note: You will need to delete any existing files by clicking on the file and then on delete.

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|------------------------------------------------------------------------------------------------------|---------------------|

Submission comments

▶ Comments (0)



Edit submission

Remove submission

- 7.6 Use proper PDF conversion software to create the final file for upload. Free PDF conversion software is available on the Internet.

- 7.7 Add your student number and the module code in the file name. That will assist you to select the correct document to upload during submission.
- 7.8 You are advised to preview your submission (answer script) to ensure legibility and that the correct answer script file has been uploaded.
8. The cover page for your take-home exam must include your name, student number and the module code.
9. Please note that your take-home EXAM MUST BE TYPED. The maximum length is **3 - 5** pages (which includes the cover page).
10. You are not required to use footnotes when compiling your examination answers.
11. All submissions must be made on the myExams platform on Moodle in the form of **one PDF** document. Only the last file uploaded and submitted will be marked.
  - 11.1 The exam answer file that you submit must not be password-protected or uploaded as a "read only" file.
  - 11.2 Your examination answer file will not be marked if:
    - 11.2.1 you send your examination answer file via email.
    - 11.2.2 you submit the incorrect examination answer file. A mark of 0% will be awarded.
    - 11.2.3 you submit your exam answer file on an unofficial examination.
    - 11.2.4 you submit your examination answer file in the incorrect file format.
    - 11.2.5 you submit a password-protected document.
    - 11.2.6 you submit your examination answer file late.
    - 11.2.7 you submit your answer file from a registered student account that is not your own.
    - 11.2.8 you submit a handwritten answer sheet
    - 11.2.9 you fail to accept the EULA
  - 11.3 The mark awarded for an illegible examination answer file submission will be your final mark. You will not be allowed to resubmit after the scheduled closing date and time of the exam.
  - 11.4 Listening to audio (music) and utilising audio-to-text software has been strictly prohibited during your examination session, unless use of the software is related to a student's assistive device which has been declared. Listening to music, utilising such software and/or failing to declare the software is a transgression of Unisa's examination rules and the student's marks will be withheld.
12. If your answers are typed, ensure that the following requirements are adhered to. Items 11.3-11.6 applies to written assignments as well.
  - 12.1 The text must be typed in Arial font, size 12 with single line spacing within the paragraph, and double line spacing after the paragraph.

- 12.2 The text must be justified.
- 12.3 All of the pages must be numbered in the right-hand corner at the bottom of the page.
- 12.4 All margins must be 2.5cm, but the left margin must be 3cm.
- 12.5 South African English and not American English should be used. For example, the correct spelling is “Labour” and not “Labor”.
- 12.6 Do not use abbreviations or SMS language.
- 12.7 All quotes that are two lines long (or less), must form part of the main text, be written in italics, and be bracketed by quotation marks. Where a quotation is longer than two lines, it must be typed in a separate paragraph in italics in size 11 font and must be indented by 1 cm. No quotation marks are required when the quotations stand alone. Use quotations very sparingly. In this take-home exam, a maximum of 5% of the text may be quoted.
  
- 13. When answering the take-home exam questions, remember that the assessment is a test at a higher level where memory is tested as much as insight. You are, therefore, expected to prove that you can use information, rather than merely repeat it. In brief, what is being tested is factual knowledge, understanding and the correct application thereof, not memory skills. For this reason, you do not earn marks by merely detailing a list of all the information that you think might be relevant to a particular question. This gives no indication that you know what statutory or other provisions are applicable in a specific context. You are expected to identify precisely what information applies, and then explain why you think so.
  - 13.1 Also, because you have the guide available when answering questions, we do not give marks for direct quotations from the guide. You are therefore assessed on your level of understanding of the legal principles by looking at how well you applied the principles to the questions.
  - 13.2 **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE (OR ANY OTHER SOURCE).**
  
- 14. The arguments that you make must be logical, well-structured and substantiated by all of the relevant legal principles. Use the time given wisely.
  - 14.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL of the relevant authorities, e.g. sections from relevant legislation and/or court cases in the text or in your footnotes.
  - 14.2 You are required to have read and summarised the prescribed cases yourself. The summaries in the Study Guide are not sufficient for this exam. When using case law to support your answer, please include complete references to the relevant cases in your footnotes. This means that you must not only include the name of the case but also the exact page and section and/or paragraph where the information can be found. The same applies to articles and books used.
  - 14.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the

area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most of the students lose marks - they set out the law in some detail, but then do not illustrate how it applies to the factual situation they have been asked to solve. Finally, state your conclusion.

15. You must complete the online declaration of own work when submitting.
- 15.1 By ticking the Honesty Declaration, you confirm that you have read (i) the University's [Policy on Copyright Infringement and Plagiarism](#) and the [Student Disciplinary Code](#), which are both available on myUnisa: [www.unisa.ac.za/unisarules](http://www.unisa.ac.za/unisarules), and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>.
- 15.2 Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with any other person or request assistance from any other person during their examinations. The use of Telegram, WhatsApp or any other instant messaging services with any other person (except when asking for technical assistance via official channels of the SCSC or the Invigilator WhatsApp line) are strictly prohibited. Plagiarism is a violation of academic integrity and students who plagiarise, copy from published works or use Artificial Intelligence Software (eg ChatGPT) or online sources (eg course material) will be in violation of the Policy on Academic Integrity and the Student Disciplinary Code and may be referred to a disciplinary hearing. Unisa has a zero tolerance for plagiarism and/or any other forms of academic dishonesty.
- 15.3 Unless a student is exempted because of disability or incarceration, students who have not utilised invigilation or proctoring tools will be deemed to have transgressed Unisa's examination rules and will have their marks withheld.

**PLEASE NOTE:**

If you experience challenges with the Invigilator app, please send a WhatsApp **message** to the technical helpdesk on 073 505 8273. Do not contact the lecturers.

For all other exam-related challenges, you may contact the SCSC on 080 000 1870 or e-mail [Examenquiries@unisa.ac.za](mailto:Examenquiries@unisa.ac.za) or refer to [Get-Help](#) for the list of additional contact numbers.

**On a Saturday evening on 20 June 2009, four male assailants allegedly attack a home in Mamelodi, where the occupants are enjoying a leisurely time, having drinks. The attackers use physical threats to allegedly relieve the occupants of valuable items, which include cellphones, wristwatches and cash. The attackers manage to escape from the house.**

**Question 1:**

Ten years after the incident, the investigating officer F, receives information through an informant regarding the whereabouts of two of the alleged assailants, A and B. He, thereupon, proceeds to a house in Johannesburg to investigate further.

F is accompanied, on this exercise, by his colleague, G. Upon arrival at the address provided, F and G perceive movement inside, which indicates the presence of people inside the house. F knocks on the door, introduces himself as a police officer, announces that he is there to investigate a crime of robbery which took place 10 years earlier, and requests to be admitted into the house to conduct investigations. A responds, through the window, that he is not prepared to open the door if a warrant is not presented. F and G try to open the door, which is locked. F and G decide to break open the door, and enter the house.

Briefly discuss the legality of F and G's actions. (10)

**Question 2:**

Upon entry into the house, B, one of the occupants, inquires about the reasons for the police's presence. F informs A and B that they (F and G) are there to arrest them for "an offence which was committed a decade earlier", and that he will "explain everything to them at the police station". He thereupon orders them out of the house. A and B are then requested to accompany F and G on foot to the police station, whilst they (F and G) proceed to "conduct other investigations". As they walk out of the yard, B seizes the opportunity and runs away.

Critically explain whether

- 2.1 the suspects' arrest conforms with the requirements of arrest, in terms of section 39 of the Criminal Procedure Act 51, 1977; and (10)
- 2.2 B's escape can be regarded as unlawful. (5)

**Question 3:**

As already indicated above, the offence in question was committed in Mamelodi, whereas the suspects were arrested in Johannesburg. Critically discuss which court has jurisdiction over the accused in respect of

- 3.1 hierarchy. In other words, whether the district, regional or high court has jurisdiction, and the reason why the case can be heard in the court concerned. (2)
- 3.2 geographical location. In other words, whether the case should be tried in Mamelodi or Johannesburg, and the reasons for that. (4)

**Question 4:**

In terms of section 59A(1) of the Criminal Procedure Act 51, 1977, a prosecutor may, in respect of the offences referred to in Schedule 7, and in consultation with the police investigating officer, authorise the release of an accused on bail.

Briefly discuss whether the prosecutor, P, should release the accused on bail, in light of the alleged offences, after their first appearance in court. (7)

**Question 5:**

In terms section 18 of the Criminal Procedure Act 51, 1977, the right to institute a prosecution for any offence lapses after a certain period. During the subsequent proceedings, the prosecutor, P, informs the court that the State intends to charge the accused with the offence of *robbery*. A and B contend, firstly, that the period within which they could still be prosecuted has, in fact, lapsed, due to the effluxion of time. Secondly, they point out that the offence with which they are being charged falls outside the ambit of section 18, and that the case should, therefore, be struck off the roll.

Critically discuss the accused's assertion. (7)

**Question 6:**

C and D are arrested three months after A and B. According to the allegations, C and D were involved in taking the complainants' items on the day in question.

- 6.1 Which word is used to describe the role played by C and D in the commission of the offence. (2)
- 6.2 Briefly elaborate on whether C and D may be joined as co-accused after A and B have pleaded, and one witness has already testified. (5)

**Question 7:**

“As a general rule, any magistrate or judge who is aware that he or she has any feeling of partiality, enmity or any motive which might influence his or her decision, must recuse himself or herself from the matter”.

Before the start of the trial, A notices the prosecutor (P) entering the magistrate’s (M) chambers (office) in possession of (what he suspects to be) the case docket which is the subject of the allegations. A informs D about his observations. D approaches M in his chambers, accuses him of being a “corrupt scoundrel ... and a disgrace to the bench”, and demands that he recuse himself from the proceedings.

Critically discuss D’s actions, and whether his observations represent a reasonable apprehension of bias. (10)

**Question 8:**

P, the prosecutor, conducts the evidence-in-chief of the witness, H. After this process, J, the accused’s attorney, is instructed by M, the magistrate, to proceed with re-examination. Critically analyse the sequential and substantive correctness of this process. (10)

**Question 9:**

At the close of the defence case, all the accused bring an application for a discharge in terms of section 174 of the Criminal Procedure Act 51, 1977. Their application is premised on the notion that there are “exceptional circumstances” which warrant a discharge.

Discuss the correctness or otherwise of this argument. (3)

**Question 10:**

A, B, C and D are subsequently convicted of robbery and sentenced to 10 years’ imprisonment by the district court. Because the regional court has higher jurisdiction than the district court, J lodges an appeal in the regional court. Briefly evaluate,

10.1 the correctness or otherwise of J’s approach regarding an appeal to the regional court. (3)

10.2 the grounds upon which the accused may bring an appeal (2)

**[TOTAL: 80]**