



جامعة السلطان الشريف علي الإسلامية  
UNIVERSITI ISLAM SULTAN SHARIF ALI  
SULTAN SHARIF ALI ISLAMIC UNIVERSITY



**Faculty of Shariah and Law  
Semester I, 2015/2016 Academic Session**

**Examination Question Paper**

**Course Code : LB 2303**

**Course Name : Criminal Law 1**

**Course Level : Bachelor of Laws (LL.B) & Bachelor of  
Shariah Law (BSL)**

**Time : 3 hours**

**Reference allowed:**

Penal Code (Chap 22)

Notes:

1. Answer any **four** of the following questions.
2. Support your answer with relevant statutory provisions and decided cases.

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**QUESTION 1 (15 Marks)**

(a) Define crime. Explain the purposes which criminal law does serve. (6 marks)

(b) "A crime can be committed not only by positive acts but also by omissions".

In the light of this statement, discuss the situations under which an accused can be charged for omissions.

(9 marks)

**QUESTION 2 (15 Marks)**

(a) In order to convict an accused for recklessness judges do not apply one test; some apply subjective test and some objective test. Which test you would approve?

Discuss.

(6 marks)

(b) Daneil, aged 18, goes to his friend's birthday party one evening. He tells his friend that he is not interested in drunks. However, in his absence his friend pours wine into his glass of coke. Daneil does not notice the alcohol in his glass and ultimately gets drunk and over the course of the evening, he gets drunk. At around midnight, Daneil stands up to leave but fails to get up on his feet. One of the party guests, William tried to help Daneil. In his drunken state Daneil interprets William's help as an attack and kicks William on his back. Daneil then goes to the main hall and picks what he thinks is his coat. In fact, it belongs to Sheen. Daneil puts on Sheen's coat and goes home.

Discuss the possible defences available to Daneil.

(8 marks)

**QUESTION 3 (15 Marks)**

- (a) Law recognises mistake as defence to criminal liability provided the accused satisfies certain requirements.

Explain and illustrate this statement.

(6 marks)

- (b) John went with his wife to take a dinner at the house of a friend. He carried his licensed revolver with him for safety purpose. Once he reached his friend's house he took out all the cartridges from the revolver. After dinner, when John reached home, he pointed the revolver towards his wife for a fun and pulled the trigger. The revolver went off killing his wife instantly. It was found later on that when John went to wash room at his friend's house, someone had loaded his gun with cartridges. John has been charged for the offence of murder.

What defence, if any, is available to John?

(9 marks)

**QUESTION 4 (15 Marks)**

- (a) It is not every type of mental illness which provides a defence of insanity to an accused.

Explain.

(6 marks)

- (b) Chan provided medical and surgical advice to patients for money. Yen, a nineteen old girl, approached him with respect to kidney infection from which she was suffering. Chan told her that she needs surgical operation. Consequently, a date was fixed for surgery. However, on the date of appointment, Chan had sexual relationship with Yen instead of performing

surgery. Yen did not object to this relationship being under the impression that it might be the part of surgery.

Chan has been charged for the offence of rape. What is the possible defence for Chan.? Discuss.

(9 marks)

**QUESTION 5 (15 Marks)**

(a) Explain the circumstances under which duress can be claimed as defence to crime.

(6 marks)

(b) Gulzar and Sharifa were married since last eight years. The relations between them were not smooth. Sharifa used to feel very terrified whenever Gulzar was in rage. Last month, Gulzar came towards Sharifa screaming that he will use the knife in his hand to kill her. Sharifa had no opportunity to escape. She grabbed a licensed gun on the table and fired at Gulzar killing him instantly.

Sharifa has been now charged for the offence of murder. In her defence, she has pleaded the defence of private defence.

Decide whether she would be successful in her defence.

(9 marks)

**QUESTION 6 (15 Marks)**

(a) "Abetment by aiding takes place when a person by the commission of an act intends to facilitate and does in fact facilitate the commission of an offence".

(Per Abdoocader J in *PP v Datuk Haji Harun b Haji Idris* [1977] 1 MLJ 180)

Explain.

(7 marks)

(b) Discuss "Participation" as an element for conviction of an accused on the basis of common intention.

(8 marks)

بالتوفيق والنجاح