



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

**Faculty of Shariah and Law**  
**Semester I, 2012/2013 Academic Session**

**Examination Question Paper**

**Course Code : LB 2303**  
**Course Name : Criminal Law I**  
**Course Level : Bachelor of Laws (LL.B) & Bachelor of  
Shariah Law (BSL)**  
**Time : 3 hours**

**Reference allowed:**

Penal Code (Cap. 22)

**Notes:**

1. Answer any **four (4)** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

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**QUESTION 1 (15 Marks)**

- (a) Do you think criminal law should have a role in protecting moral values?

Discuss with reference to juristic viewpoints and decided cases.

(6 marks)

- (b) William offered Sara a lift home after a dance. He was feeling angry because Sara had been spreading rumours about him. During the journey he shouted that he was going to break her neck if she continued spreading the rumours. Feeling distressed, Sara jumped out of the car, fell to the ground and fractured her left wrist. She went to the hospital where the doctor administered her painkiller without inquiring whether she was allergic to any medicine. After two hours of administering the painkiller, Sara became paralyzed due to allergy.

Advise Sara on the issue of *Actus Reus*.

(9 marks)

**QUESTION 2 (15 Marks)**

- (a) A strict liability offence carries a small penalty.

Do you agree with the above statement? Explain your viewpoint with reference to decided cases.

(6 marks)

- (b) Akeel wished to have an expensive mobile phone but could not afford one. He saw Waleed using one of such mobile phones. One day while standing near a bridge, Akeel told Waleed to give his phone to him. When Waleed refused to hand it over, Akeel threw him from the bridge to the river below. Akeel knew that Waleed could not swim but thought the river was shallow because there had been little rain.

Waleed hit his head on a rock in the river and was swept 100 meters away in an unconscious condition. The postmortem report revealed that Waleed died from drowning.

At the trial, Akeel stated that he had only intended to frighten Waleed.

Advise Akeel on the issue of *Mens Rea*.

(9 marks)

### **QUESTION 3 (15 Marks)**

- (a) Accident is an act that is done without the intent of causing it and is an act that a reasonable person should not take precautions in doing that act.

In light of the above statement, explain the elements of the defence of 'Accident'. Refer to decided cases.

(6 marks)

- (b) Daneil, aged 18, goes to his friend's birthday party one evening. He has a driving test in the morning and does not want to get drunk. He tells his friend that he will not be drinking in view of the driving test. However, his friend thinks that Daneil will not enjoy himself if he is completely sober and so pours wine into his glass of coke. Daneil does not notice the alcohol 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.

What are the possible defences available to Daneil under the Penal Code of Brunei Darussalam.

(9 marks)

**QUESTION 4 (15 Marks)**

- (a) In what circumstances will a mistake protect a defendant from criminal liability.

Discuss with reference to statutory provisions and decided cases.

(6 marks)

- (b) Richard has been banned from driving for five years after being convicted of causing death by reckless driving. His wife goes into labour in the middle of the night. Finding no other alternative, he decided to drive his wife's car to the hospital maternity unit, but is stopped by the police after driving a few kilometers.

What defence is available to Richard? Support your answer with decided cases.

(9 marks)

**QUESTION 5 (15 Marks)**

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

Explain this statement with reference to legal provision and decided cases.

(6 marks)

- (b) John, while taking his Alsatian dog for a walk, sees Arnold entering a bank armed with a gun. John follows Arnold and observes him threatening the cashier with the gun. John removes the muzzle from the dog which then attacks Arnold, biting the arm holding the gun. Arnold suffers serious injury to his arm.

What defence, if any, is available to John?

(9 marks)

**QUESTION 6 (15 Marks)**

- (a) “A person, who genuinely attempts to commit a criminal offence and fails, still deserves to be punished just as much as a person who succeeds in committing an offence.”

Explain this statement with reference to relevant legal provisions and decided cases.

(6 marks)

- (b) Ajmal and Arshad, two armed plain clothes policemen, saw a person they believed to be Badrul, a dangerous escaped criminal, driving through Bandar. In fact, the occupant of the car was Hamid, who bore a remarkable resemblance to Badrul.

Ajmal and Arshad ordered Badrul to stop the car. As they knew Badrul was very dangerous and often armed, both Ajmal and Arshad approached the car with their guns drawn.

Hamid tried to get his driver’s licence from the glove compartment of the car. However Arshad, mistakenly believing that Hamid may be reaching for a weapon, fired at the car. Arshad simply wanted to frighten him but the bullet smashed the windscreen and struck Hamid’s arm.

Hamid, fearing for his life, drove the car at Ajmal and Arshad. The car struck Arshad, who was seriously injured. Ajmal ran to the car and pulled Hamid out. Hamid, fearing attack, punched Ajmal. Ajmal, still believing Hamid to be Badrul, hit Hamid over the head with his gun, intending to incapacitate him.

Advise Ajmal, Arshad and Hamid as to their possible defences.

(9 marks)

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