



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

Faculty of Shariah and Law
Semester I, 2016/2017 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** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

(a) Do you think morality should play any role in relation to crime. Discuss.

(6 marks)

(b) Actus reus deals not only with positive acts but also with omissions.

In the light of this statement, explain any two omissions which are actionable under criminal law.

(9 marks)

QUESTION 2 (15 Marks)

(a) Where multiple causes result in death or injury of a victim, law holds that person liable whose conduct is the substantial cause of the damage.

Discuss.

(7 marks)

(b) Explain 'intention' and 'knowledge' as forms of Mens Rea.

(8 marks)

QUESTION 3 (15 Marks)

(a) Strict liability offences are generally regulatory in nature and carry small penalty.

Do you agree with this statement? Discuss.

(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 tries 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 (Cap.22) of Brunei Darussalam.

(9 marks)

QUESTION 4 (15 Marks)

Peter was driving his car on the highway at the speed of 90 kilometers. All of a sudden he found a cow in the middle of the road. In order to avoid hitting the cow, he swerved to the right but there was a collision with an incoming car. Gary, the driver of the incoming car, got badly injured and lost his consciousness. In order to take Gary to the hospital, Peter put Gary into Morgan's car who stopped to watch the accident scene, and drove away with it.

Gary had regained consciousness when he reached the hospital. He was attended by Dr. Burhan who decided to operate Gary without asking for his consent. Unfortunately, Gary died on the operation table.

What defences, if any, are available to Peter and Dr. Burhan?

QUESTION 5 (15 Marks)

- a) Discuss when intoxication is recognized as a defence under criminal law. (6 marks)
- b) Goh was on his way home when he was confronted by Chan and Wong. Chan was armed with a sword and Wong had a sharp knife in his hand. Both Chan and Wong followed Goh to his house. Seeing Chan and Wong entering his house, Goh went to his bedroom and got his personal revolver. When Goh came out, Chan and Wong attacked him causing a cut on his cheek. Goh's wife called for help but no one came to help. In the ensuing fight in the compound of Goh's house, Goh shot Chan to death and seriously wounded Wong.

What is the defence that Goh can plead? (9 marks)

QUESTION 6 (15 Marks)

- a) Explain the elements of the offence of abetment. (6 marks)
- b) Ahmad saw a youth seizing a woman's handbag. Ahmad chased and caught youth and knocked him to the ground. Danish, who had only seen the last stages of the incident, was told by Ahmad that he was arresting youth for snatching the women's handbag. Danish did not believe it and thought that Ahmad was unlawfully attacking youth and he must use force to protect the youth. Consequently, Danish punched Ahmad on his face causing him serious injury.

What defences Ahmad can plead? (9 marks)

بالتوفيق والنجاح