



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 : LS 5304**

**Course Name : Criminal Procedure of the Shariah Court**

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

**Time : 3 hours**

**Reference allowed:**

Religious Council and Kadhis Act (CAP 77)

Criminal Procedure Code (CAP 7)

**Notes:**

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

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**QUESTION 1 (15 Marks)**

Brief fact over the case as follow:

- (a) Pura Cindana Religious Enforcement Officers were patrolling the area of Gerai Tamu Enak Sekali of Pura Cindana on 23 of June 2015 corresponding 6 of Ramadhan 1436H.
- (b) While patrolling the area, at 12.50 pm, the officers caught Awang Lelaki bin Laki-Laki, bearing NIRC: 00-000007 (Yellow) smoking a cigarette in the public at the vicinity of the food stall's parking area consequently they arrested him.
- (c) During the interrogation, Awang Lelaki bin Laki-Laki admitted that he was a Muslim and he had failed to observe fasting during the month of Ramadhan.

Based on these facts, frame the charge under section 195 (1) of the Syariah Penal Code Order 2013 against the accused.

**QUESTION 2 (15 Marks)**

- a) What are the sufficient particulars when framing a charge for an offence committed by an accused(s) based on section 69(1) of the Religious Council and Kadis Court Act, Chapter 77?

(7.5 marks)

- b) What are the effects of error and omission in charges? State the relevant provisions under the Religious Council and Kadis Court Act, Chapter 77.

(7.5 marks)

**QUESTION 3 (15 Marks)**

- a) Describe the Syariah Criminal Proceedings in the Syariah Court as contained in the Religious Council and Kadis Courts Act Chapter 77.

(7.5 marks)

- b) Explain and illustrate the meaning of "any necessary sanction to prosecute shall be proved "

(7.5 marks)

**QUESTION 4 (15 Marks)**

A has made confession for committing *sariqah* (theft) before Inspector B after a cautioned statement was read to him A under section 117 (3), Criminal Procedure Code Brunei. However, A retracted his confession and claimed for trial after the charge was read to him in court. During the trial, the Syari'ie Prosecutor C tendered A's confession as an evidence. A, however, protested on the ground that his confession was obtained after been threatened by the Inspector B during investigation.

As a Syari'ie Prosecutor, what would be your next course of action regarding the above matter.

**QUESTION 5 (15 Marks)**

What is the difference between appeal and revision proceedings in the Syariah Court?

**QUESTION 6 (15 Marks)**

After the accused has been convicted, the court shall then pass the sentence according to law. What are the main aims of sentencing recognized by the courts?

بالتوفيق والنجاح