



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

**Faculty of Shariah and Law**  
**Semester II, 2018/2019 Academic Session**

**Final Examination Question Paper**

**Course Code : SD 2202**  
**Course Name : Criminal Law II**  
**Course Level : Higher National Diploma**  
**Time : 3 hours**

**References allowed:**

Penal Code (Cap.22)  
Kanun Hukuman Jenayah Penggal 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)**

Identify the offence, if any, and explain the *actus reus* and *mens rea* of the following cases with reference to the Brunei Penal Code (Cap. 22) and relevant cases:

(a) Joki slapped his girlfriend on her back and laughed madly after making a joke in the public, much to his girlfriend's embarrassment.

(5 marks)

(b) Jiman was warded in the hospital because he fainted after drinking poison intentionally as he was emotionally stress that he had lots of debts to settle.

(5 marks)

(c) Omar, the pious teenager has hide two cartons of cigarettes belonging to Qumbang so that his friend will quit smoking.

(5 marks)

**QUESTION 2 (15 Marks)**

(a) Consent in unnatural sexual offences is immaterial. Explain.

(6 marks)

(b) Ah Ngok drove his new Ferrari car and hit a man who was crossing the road without using the zebra crossing. The man then died.

Elaborate on the liability of Ah Ngok under the Penal Code (Cap. 22).

(9 marks)

**QUESTION 3 (15 Marks)**

(a) Sarah left her newborn baby and a two-year old daughter at the garbage area since she was frustrated that her husband had divorced her.

Elaborate on the possible offences that she has committed under the Brunei Penal code.

(7 marks)

(b) Explain on the thin marginal line of differences between the offence of culpable homicide not amounting to murder and grievous hurt with illustrations and supported cases.

(8 marks)

**QUESTION 4 (15 Marks)**

(a) Explain the differences between 'theft' and 'criminal misappropriation of property' with cases.

(6 marks)

(b) Bunyo fetched his daughter from school late in the afternoon. He then saw a little boy who was crying waiting for his parents. Feeling sympathy, he offered to send the little boy to his parents. On their way to the destination, his car was stopped by the little boy's father. Bunyo was then punched in the face by the father for taking away his son. The father accused Bunyo of kidnapping his child. It was later found out that the father was in the pending divorce process with his wife.

Advise Bunyo as to his liability under the Brunei Penal Code (Cap. 22).

(9 marks)

**QUESTION 5 (15 Marks)**

(a) Explain on sexual intercourse committed with the consent of a 13 years old girl.  
(8 marks)

(b) Explain the circumstances under which 'provocation' becomes a defence to the offence of murder.  
(7 marks)

بالتوفيق والنجاح