



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

Faculty of Shariah and Law
Semester I, 2014/2015 Academic Session

Examination Question Paper

Course Code : LB 2303
Course Name : Criminal Law 1
Course Level : Bachelor of Laws (LL.B)
Time : 3 hours

Reference allowed
Penal Code (Cap 22)

Notes:

- (1) Answer any **four** of the following questions.
- (2) Support your answers with stator provisions and decided cases..

QUESTION 1 (15 MARKS)

(a) Define the term 'Crime'. What are the purposes of criminal law?

(6 marks)

(b) The element of 'Actus Reus' is not satisfied unless it is proved that the result has been caused by the act of the accused.

In the light of this statement, explain the law relating to legal causation.

(9 marks)

QUESTION 2 (15 MARKS)

(a) Strict liability offences protect the public and guard against dangerous activities.

Explain this statement with reference to decided cases.

(6 marks)

(b) Brown is a member of a terrorist organization. He made a telephone call to a police station in England in which he threatened to release a toxic gas into the underground rail system of a city within thirty minutes. The authorities immediately closed the system down but some gas was released, killing a police officer and injuring a passenger. An ambulance worker attempted to assist the passenger but ran away from the scene when it was time to go off duty. The passenger ultimately died because of injuries.

Advise on the issue of *mens rea* in relation to Brown and the ambulance driver.

(9 marks)

QUESTION 3 (15 MARKS)

(a) Every accident is not a defence to criminal liability.

Discuss this statement with reference to statutory provision and decided cases.

(6 marks)

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

What defences Awang can plead? Refer to decided cases.

(9 marks)

QUESTION 4 (15 MARKS)

(a) Law allows infancy as a defence to criminal liability.

Explain this statement with reference to sections 82 and 83 of the Penal Code.

(6 marks)

(b) Mary is a divorcee and has a daughter aged 3 years. Being jobless, the government provides her monthly allowance. This month she has spent most of this money on getting the washing machine repaired. Consequently, she had no money to buy eatables. She and her daughter did not eat anything for two days. In desperation Mary goes into ABC Supermarket and puts a loaf of bread and two cans of beans into her shopping bag. She then leaves the Supermarket without making payment.

Can Mary plead any defence? Support your answer with decided cases.

(9 marks)

QUESTION 5 (15 MARKS)

(a) Explain consent as a defence to a crime under section 90 of the Penal Code.

(6 marks)

(b) While his wife was on a 2-year scholarship, Mr. Bill was having an affair with his maid Dobinson. Realizing that the affair was going nowhere, Dobinson told Bill that she was going back to her home town to marry her childhood sweetheart, Allen. Clouded by anger and jealousy, Mr. Bill strangled Dobinson to death while she was sleeping in the maid's quarters. Next day Mr. Bill was found in a confused state inside the maid's quarter. He was brought to the National Centre for Mental Health where he was diagnosed to be mentally unstable. Mr. Bill has been charged with murder.

What is the possible defence available for Mr. Bill? Would he succeed in his defence? Explain.

(9 marks)

QUESTION 6 (15 MARKS)

(a) Explain the elements of the offence of 'Abetment'.

(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 defence Goh can plead? Explain.

(9 marks)

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