



اسلطان الشريعة على الاسكوية

**Faculty of Shariah and Law**  
**Semester II, 2017/2018 Academic Session**

**Final Examination Question Paper**

**Course Code : LB2304**

**Course Name : Criminal Law 2**

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

**Time : 3 hours**

**Reference allowed:**

(Penal Code Chapter 22)

**Notes:**

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

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**QUESTION 1 (15 Marks)**

Ben was moving from his 11th story apartment to a small house. The new occupiers had asked Ben to ensure that all his furniture was removed from the flat. Ben had a very heavy solid oak wardrobe that he could not get down the stairs and the lift wasn't working. Ben looked over the balcony and noticed a group of about 30 teenagers hanging about directly under Ben's balcony. Ben considered that he might cause serious harm but as he did not think that anyone would realise where the wardrobe had come from. Ben was so desperate to get rid of the wardrobe that he decided to push the wardrobe over the balcony. The wardrobe hit one of the teenagers who died in hospital from his injuries.

Ben is charged with murder. State your answer based on both the *actus reus* and *mens rea* of the offence and conclude as to whether Ben is guilty of this offence.

**QUESTION 2 (15 Marks)**

(a) List the essential ingredients to be convicted for death by rash or negligent act?

(5 Marks)

(b) Discuss the law relating to 'hurt', 'voluntary grievous hurt' and 'aggravated grievous hurt' and distinguish one from another.

(10 Marks)

**QUESTION 3 (15 Marks)**

(a) What are the necessary elements to constitute the following offences:

- (i) Wrongful Restraint; and
- (ii) Wrongful Confinement;

Support your answer by referring to the relevant provisions of the Penal Code and case laws.

(9 marks)

(b) State the distinguishing features between the offence of

- (i) Kidnapping; and
- (ii) Abduction

in the light of leading judicial pronouncements and principles.

(6 marks)

**QUESTION 4 (15 Marks)**

Alvin and Charlie are best of friends. One lovely sunny morning Alvin, who was at Charlie's house, took the opportunity to work on a car that he had just stolen. After a while, he noticed from the windows of Charlie's next door neighbor, Elenor, that she was wearing a see-through nightgown. He then realized that the door of Elenor's house was wide open.

Charlie took the opportunity to enter Elenor's house discreetly and took advantage of Elenor by pinning her down and exerted himself sexually on her. Alvin who was at home at all material time was unaware of any of these.

Elenor lodged a police report stating that Charlie had raped her and accused Alvin of aiding Charlie. Medical records however did not show any signs that she was raped.

- (i) Based on the provisions of the Penal Code and case laws, advice Charlie whether Elenor has a case made out against him.

(10 marks)

(ii) Can the accusation made by Elenor on Alvin stand? Provide your justification based on the Penal Code and relevant case laws.

(5 marks)

**QUESTION 5 (15 Marks)**

(a) What are the basic elements for the crime of theft based on the Penal Code and judicial pronouncements?

(5 marks)

(b) State the law on dacoity and distinguish dacoity from robbery.

(5 marks)

(c) If you have been assigned a case to prosecute on an alleged criminal breach of trust, state the essential components that you need to fulfil at the stage of "Evidential Test".

(5 marks)

بالتوفيق والنجاح