



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

**Faculty of Shariah and Law
Semester I, 2020/2021 Academic Session**

**Final Examination
Question Paper**

**Course Code : LB2303
Course Name : Criminal Law I
Course Level : Bachelor's Degree
Time : 3 hours**

**Reference(s) allowed:
PENAL CODE (CAP. 22)**

Instructions:

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)

“In every case where criminal responsibility is said to be ‘strict’, the Court’s first task is to ascertain legislative intention. In doing so, it will have regard to a variety of factors”.

Discuss.

QUESTION 2 (15 Marks)

Richard Teoh and Ann Wong leaved together as husband and wife in their matrimonial home at Kampung Kiarong. One fine night, Richard Teoh saw a form, apparently human, dancing in a state of complete nudity with a broomstick tied on one side and a torn mat around the waist. Richard Teoh taking the form to be that of an evil spirit or a thing which consumes human beings, removed his own clothes and with repeated blows by a hatched felled the thing to the ground. Examination showed, however, that he had killed a human being who was the wife of their neighbour James Hong. Richard Teoh is produced before the High Court in Bandar Seri Begawan and charged for murdering the wife of his neighbour James Hong.

Advise Richard Teoh on the possibility of invoking the defence of mistake of fact.

QUESTION 3 (15 Marks)

Mary Lim met Michael Hong through a social networking site (i.e. WeChat) and they went out together on a few occasions. During conversation during their second meeting on 12th August 2019, Mary Lim told Michael Hong that she would never consider having a sexual relationship with a married man or with a man who is HIV positive. Michael Hong told her that it is good to have such an approach in life since most men cannot be trusted.

On the third occasion they met on 22nd August 2019, they went back to Mary Lim’s apartment and had unprotected sexual intercourse. A few days afterwards, Mary Lim discovered that Michael Hong was married.

When she confronted him about this, he confirmed that he was married and he also told her, to her dismay, that he was HIV positive. Michael Hong argued that it was a consensual sex and he never forced Mary Lim to have sex with him.

Advise Mary Lim.

QUESTION 4 (15 Marks)

Mat Rahim suffers from chronic hypoglycaemia, a disease which occasionally causes his blood sugar levels to drop. When this happens, he just has to eat something sweet and for this reason he always carries a chocolate bar with him.

One day he got his first signs of hypoglycaemia while at work, but unfortunately discovered that he had left his chocolates at home. While in this state he picked up his office chair and threw it at the door. Two of his colleagues, Zaid and Zabidi, happened to be coming through the door at the time. The chair hit Zaid whose skull was crushed causing instant death. Mat Rahim is charged under section 302 of the Brunei Penal Code (Cap. 22) for murdering Nicholas Lau.

Advise Mat Rahim.

QUESTION 5 (15 Marks)

Jacinta Lim is taking a walk along the riverbank. She has no mobile phone signal. It is pouring with rain and the water starts lapping over the path. Jacinta Lim remembers that she heard a flood warning on the radio before she left her house. The water on the path is up to her ankles and getting deeper. Jacinta Lim is on a part of the path which is between the river and a high wall. She is alarmed by the situation and she is relieved to see a rowing boat moored beside her. She gets in and sails off down the river back towards where she has parked her car. She has only been in the boat for a few minutes when the rain goes off and she sees some people on the riverbank. She decides to sail the boat all the way to her car anyway. Jacinta Lim has been charged with theft of the boat.

Advise Jacinta Lim.

QUESTION 6 (15 Marks)

Henry Chong and Fred Lim engaged in a fist fight in which Fred Lim suffered severe bodily injury. Henry Chong consults you about the following defences he might raise: -

- a) Fred Lim's injuries were caused by accident. (5 Marks)
- b) Henry Chong had acted in self-defence. (5 Marks)
- c) Henry Chong was intoxicated and did not know what he was doing. (5 Marks)

بالتوفيق والنجاح