



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** : SD0302  
**Course Name** : Undang-Undang Jenayah I  
<Criminal Law I>  
**Course Level** : Higher National Diploma  
**Time** : 3 hours

**Reference(s) allowed:**  
PENAL CODE (CAP. 22)  
(KANUN HUKUMAN JENAYAH, PENGGAL 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)**

(a) Under what circumstances may a person be criminally liable for a failure to act? Support your answer with relevant case law. (7½ Marks)

(b) Critically evaluate the principles governing causation in the criminal law. Support your answer with relevant case law. (7½ Marks)

**QUESTION 2 (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 3 (15 Marks)**

Elizabeth Tan met Timothy Lau through a social networking site (i.e. Imo) and they went out together on a few occasions. During conversation during their second meeting on 15<sup>th</sup> September 2020, Elizabeth Tan told Timothy Lau that she would never consider having a sexual relationship with a married man or with a man who is HIV positive. Timothy Lau applauded her decision and praised her for taking such an approach in life since most men cannot be trusted.

On the third occasion they met on 25<sup>th</sup> September 2020, they went back to Elizabeth Tan’s apartment and had unprotected sexual intercourse. A few days afterwards, Elizabeth Tan discovered that Timothy Lau 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. Timothy Lau argued that it was a consensual sex, and he has never forced Elizabeth Tan to have sex with him.

Advise Elizabeth Tan.

**QUESTION 4 (15 Marks)**

*“Necessity in legal contexts involves the judgment that the evil of obeying the letter of the law is socially greater in the particular circumstances than the evil of breaking it”.* (Glanville Williams)

Discuss and explain the extent to which criminal law provides a general defence of necessity.

**QUESTION 5 (15 Marks)**

John Lee was produced before the High Court in Bandar Seri Begawan and charged under section 302 of the Brunei Penal Code (Cap. 22) for murdering his wife, Melanie Kong. John Lee and Melanie Kong have been happily married for 18 years. When John Lee was produced before the judge, he raised the defence of insanity/unsoundness of mind. According to the evidence adduced in court, at the time of the commission of the crime, John Lee was suffering from schizophrenia.

Advise John Lee.

**QUESTION 6 (15 Marks)**

Angela Lim had just received her A' level results and went to the pub with her boyfriend Martin Seow to celebrate. Martin Seow, who had drunk a lot of beer, was very jealous of Angela Lim's success and when they got back to Angela Lim's house began to insult her and then pushed her into the kitchen. Angela Lim hit him, he hit her back, spat at her and bit her thumb. He then grabbed hold of her and, as she was frightened by this, she grabbed a knife from an open drawer and, to try and make him stop, held it to his chest. As he was drunk, he fell against the knife which pierced an artery and he died within minutes. Angela Lim has been charged with culpable homicide.

Advise Angela Lim.