



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

Faculty of Shariah and Law
Semester II, 2021/2022 Academic Session

Final Examination Question Paper

Course Code : LB2304
Course Name : Criminal Law II
Course Level : Bachelor's Degree
Time : 3 hours

Reference allowed:
Penal Code (Cap. 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)

Does it amount to murder if an accused intends to cause bodily injury to his victim but results in his death?

Discuss.

QUESTION 2 (15 Marks)

Khalidah, a rural girl aged 13 years old, lost both her parents in a car accident and became an orphan. Last year, she accompanied an elderly woman to a town where they lived by begging and selling vegetables. She was persuaded six months ago by Ismail to go with him without the knowledge of the elderly woman. Khalidah did as advised by Ismail. Ismail betrothed Khalidah to one of his sons. Recently, Khalid, a neighbour, persuaded Khalidah to leave Ismail and go with him. Khalidah left Ismail and went with Khalid.

Advise whether Khalid can be convicted for the offence of kidnapping.

QUESTION 3 (15 Marks)

Recently, a massage spa outlet in Kiarong was raided by the authorities. In the raid, about 10 women were picked up and most of them were foreigners, including an Indonesian Guest Relation Officer (GRO), by the name of Nani Suriyani. Since she did not have any travelling documents, she was taken to the police station.

She was interrogated by two police officers, Mat Zain and Zaidi. After the interrogation was over, Mat Zain promised to help her provided she followed their instruction. Not in so many words, the two men were actually expressing their desire to have sex with Nani Suriyani.

Indri understood what they meant and reluctantly submitted herself and she did not resist when Mat Zain had sex with her. Zaidi then took his turn to have sex with Indri but he failed to get an erection, though he was already on top of her.

Discuss the criminal liabilities of Mat Zain and Zaidi.

QUESTION 4 (15 Marks)

Peter Lim was a married man and has a 24-year old son, Henry Hong. Last year Peter Lim went through a sex change operation in Thailand. After the operation, he started going to his office dressed as a woman and changed his name to Agnes Kong. When Henry Hong learnt about it, he felt humiliated. One day, Henry Hong with his friend Richard Chong went to Flora's house and attacked her with their fists and a knife, resulting in a broken nose and loss of five teeth. Besides, Agnes Kong remained in a hospital for a week and suffered pain for a total of three weeks.

Henry Hong and Richard Chong were arrested by the police and charged for causing grievous hurt by dangerous weapon. During his trial, Henry Hong informed the Court that as a son, he cannot accept the conduct of his father changing his sex to that of a female.

Discuss Henry Hong and Richard Chong's criminal liability.

QUESTION 5 (15 Marks)

When Indriyani's husband died a year ago, she was left on her own to raise her four children. Since Indriyani is not educated, she only managed to secure a job as a daily maid at the Dato Sri Ismail Khan's mansion. Dato Seri Ismail Khan is a very nice and considerate employer. Unfortunately, his wife is very strict with the employees working in the house. She usually terminates her servants' employment if she is not happy with their services. One day, while Indriyani was washing the dishes, she accidentally dropped one of Puan Sri Ismail Khan's

saucers. The saucer was a 'Raynaud Conde' and imported from France. Budiyanto, the driver, was in the kitchen when the incident happened. Indriyani who was afraid that Puan Seri Ismail Khan would fire her, begged Budiyanto not to tell Puan Sri about it. She told him that she could not afford to lose her job since she had four children to maintain. Budiyanto agreed to keep the incident a secret on two conditions; first Indriyani pays him B\$50.00 monthly and second Indriyani becomes his mistress for a year. Afraid that she would lose her job, Indriyani gave in to Budiyanto's demands. A month after the incident, Budiyanto demanded B\$100.00 instead of B\$50.00. Indriyani feared that Budiyanto would keep increasing his demands. She comes to you for advice.

Advise Indriyani on what are the legal accusations that she can lodge against Budiyanto.

QUESTION 6 (15 Marks)

Zaini and Zaid took several keys with them as they intend to break into houses in Kampung Jerudong. They broke into the house of Mr. Hamid while the family members were fast asleep. They managed to take with them goods worth B\$18,000.00 including three laptops, six iPhone 8 Plus, and a Seiko watch. One week later, Zaini and Zaidi were arrested and charged for theft under section 379 of the Brunei Penal Code.

Assuming that you are the Deputy Public Prosecutor, how would you prosecute the case brought against Zaini and Zaid?