



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

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

**Final Examination Question Paper**

**Course Code : LB 2304**

**Course Name : Criminal Law II**

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

**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.

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**QUESTION 1 (15 Marks)**

Shankar Kumaran has been convicted for the murder of his mistress, Flora Devi. He is now appealing against the conviction. The following is the statement that he gave to the police when he was first detained for questioning:

“Flora Devi has been my mistress for four years. We were happy at first. She knew that I am married and would not leave my wife for her. She said she was happy with whatever that I could give her; and I gave her everything, the penthouse, the car and exorbitant monthly allowance. But as time passed, she became more possessive and clingy. She called me daily begging me to marry her. We started fighting whenever we met. Honestly, I started to get irritated with her behaviour. There were times I wished I could just get rid of her forever, but of course it never crossed my mind to kill her.

That afternoon, she barged into my office and started making a scene. I dragged her out of the office and took her home. We had a big fight and she started calling me names. She also threatened to expose our affair. Apparently she had a lot of pictures of her and I. I tried to reason with her, but she refused to listen to me. I just lost my patience and slapped her hard at her face. She fell and her head hit the sharp edge of the table.

She felt unconscious and all efforts to revive her failed. I was very sure that I had killed her. I panicked and decided to throw her over the balcony. I hoped people would believe that she had committed suicide. How was I to know that she was alive? I was shocked to discover that the cause of death is injuries sustained from the fall.”

You are the judge in this appeal. Decide Shankar Kumaran’s criminal liability.

## **QUESTION 2 (15 Marks)**

For many years, Richard Seow has been strongly opposed to blood sports. He was the founding member of a pressure group which was formed to lobby the Government to outlaw the hunting of wild animals. He lives in an area in which there is a strong hunting tradition, and he has taken part in many demonstrations during hunt meetings to show his opposition to them, although all of those demonstrations were entirely peaceful. Late last year, he gave several interviews on local radio stations and to local newspapers in which he set out the case for legislation to ban blood sports. One evening, a few weeks later, as the local hunt was returning home, one of the participants took a dead fox which had been killed in the course of the hunt and threw it into Richard Seow's front garden. This happened just as Richard Seow was getting out of his car in front of his house. He ran into his house, got a loaded shot gun which he legally held, ran after the person who had thrown the dead fox into his front garden and shot him dead. When questioned by the police, he said that he became so infuriated by the action of the deceased that he "just flipped" and could not restrain himself. He has now been charged with murder.

Advise Richard Seow.

## **QUESTION 3 (15 Marks)**

*"Grievous hurt has a strictly defined scope in the Brunei Penal Code, covering only very specific forms of hurt that are designated grievous".*

Discuss.

#### **QUESTION 4 (15 Marks)**

Rosli and Jamali are students at a private college in Bandar Seri Begawan. They met Masnida at a shopping mall in Gadong. Rosli and Masnida had known each other during their secondary school days in Tutong. Rosli invited Masnida to join him and his friend to go and watch a movie/cinema at The Mall Shopping Complex. Masnida responded positively to the invitation. After watching the movie, Rosli asked Masnida whether she wants to go home. However, Jamali quickly responded by saying that Masnida can follow them to their rented apartment in Beribi. At their apartment in Beribi, the guys made repeated sexual advances to Masnida. She rebuffed the sexual advances except for Rosli. Masnida said she would only have sex with Rosli but not with Jamali.

Jamali said, "If Masnida isn't willing to have sex with both of them, then we'll have to force her. Rosli, are you with me on this?" Rosli nodded his head signifying a sign of acceptance. Masnida objected and said she wanted to leave and go home. Jamali locked the door so Masnida couldn't get out.

Jamali then forcibly held Masnida down and proceeded to have sexual intercourse with her. Meanwhile Masnida passed out. Rosli decided that since Masnida had said earlier she wanted to have sex with him only, it was okay and he proceeded to have sexual intercourse with unconscious Masnida. After Rosli had sex with Masnida, Masnida woke up and started screaming. She lodged a police report and the two were arrested and charged for the offence of rape.

Advise Masnida.

### **QUESTION 5 (15 Marks)**

*“Theft involves the appropriation of a movable property belonging to another person who is deprived of such possession without his consent or against his will, and such appropriation is done with dishonest intent”.*

Discuss.

### **QUESTION 6 (15 Marks)**

Indriyani is an Indonesian national working as a maid for the family of Mr. Rashid in Tutong. Mr. Rashid treated Indriyani like his own daughter and never considered her as a maid. However, Mrs. Rashid was not happy with the treatment accorded to Indriyani by her husband. Indriyani knew very well that Mrs. Rashid didn't like her as she has often scolded her even for a small mistake committed in the course of her employment. On several occasions, she has threatened to fire her. One fine day, while the family of Mr. Rashid travelled to Singapore for a holiday, Indriyani took the chance to invite her boyfriend to the house. Mrs. Rashid had warned her on several occasions not to invite people to the house, especially during her absence. Wiranto, who is employed by Mr. Rashid as gardener witnessed the act of Indriyani bringing her boyfriend to the house. Wiranto, told Indriyani that she could be fired by Mrs. Rashid if he decides to report the incident to her. Being an orphan and taking care of her aged grandmother, Indriyani cannot afford to lose her job. Wiranto promised to keep the incident a secret on two conditions: first Indriyani pays him BND150.00 monthly and second Indriyani becomes his mistress for a year. Afraid that she would lose her job, Indriyani gave in to Wiranto's demands. A month after the incident, Wiranto demanded BND250.00 instead of BND150.00. Indriyani feared that Wiranto would keep increasing his demands. She comes to you for advice.

Advise Indriyani as to the criminal liabilities that she can file against Wiranto.

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