



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

Faculty of Shariah and Law
Semester II, 2022/2023 Academic Session

Final Examination Question Paper

Course Code : LB2304

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.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

“Although core cases of murder and culpable homicide may be easy to distinguish, there exists a substantial grey areas where precise categorization is difficult. Arguably this would not matter if judges had a complete sentencing discretion across the range of criminal homicides. They do not. Such discretion is available only for culpable homicide. With murder however, a death sentence is mandatory”.

Discuss with particular reference to the major point of similarities and differences between the two offences.

QUESTION 2 (15 Marks)

Some weeks ago, Henry Chong attended a meeting of his residents’ association where the main topic of discussion was a planning application that had been made by a business consortium to build a hotel adjacent to the estate where the residents lived. Some of the residents were supportive of the application but others, including Henry Chong, were vehemently opposed to it and were advocating that the association should lodge an objection. At one point during the discussion, Henry Chong said that if the hotel were built on the proposed site it would attract all sorts of undesirable characters, including prostitutes, into the locality. When he made this remark, another resident, Richard Wong, replied: “Well, in that case, we’ll be seeing your mother a bit more often.” On hearing this, Henry Chong became so incensed that he left the meeting, went to his house which was about 100 yards away, got a legally held shot gun which he kept there, brought it back to the meeting and shot Richard Wong at point blank range, causing his

immediate death. On being arrested and questioned by the police, Henry Chong expressed remorse at what he had done, but said that he had “boiled over” when Richard Wong made the remark about his mother. He said that his mother, to whom he was deeply attached, had just been diagnosed with terminal cancer (although he accepted that Richard Wong would not have known about that) and that this factor, more than anything else, had probably caused him to react as he did. Henry Chong has now been charged with murder and you are asked to advise as to whether, in these circumstances, he has any defence available to him.

QUESTION 3 (15 Marks)

Dewi, a rural girl aged 14 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. Ibrahim persuaded her six months ago to accompany him without informing the elderly woman. Dewi followed Ibrahim’s advice. Ibrahim married Dewi to one of his sons named Halim. Rashid, a neighbour, recently persuaded Dewi to leave Halim and join him. Dewi abandoned Halim in favour of Rashid.

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

QUESTION 4 (15 Marks)

Recently, a massage spa outlet in Jerudong was raided by the authorities. In the raid, about 15 women were picked up, and most of them were foreigners, including an Indonesian Guest Relations Officer (GRO) by the name of Linda Suriyani. She was taken to the police station because she lacked travel documents.

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

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

Discuss the criminal liabilities of Mat Zaidi and Mat Zain.

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)

Gloria Muico is a Filipino national who works as a maid for Mr. Mat Rahman's family in Tutong. Mr. Mat Rahman treated Gloria Muico as if she were his own daughter and never thought of her as a maid. Mrs. Mat Rahman, on the other hand, was dissatisfied with her husband's treatment of Gloria Muico. Gloria Muico was well aware that Mrs. Mat Rahman disliked her, as she had frequently reprimanded her, even for minor infractions during her employment. She has threatened to fire her on several occasions. Gloria Muico took advantage of the opportunity to invite her boyfriend to the house one fine day, while Mr. Mat

Rahman's family was on holiday in Kuala Lumpur. Mrs. Mat Rahman had warned her on several occasions not to invite people to the house, especially during her absence. Gabriel Marcos, who is employed by Mr. Mat Rahman as a gardener, witnessed the act of Gloria Muico bringing her boyfriend to the house. Gabriel Marcos told Gloria Muico that she could be fired by Mrs. Mat Rahman if he decides to report the incident to her. Being an orphan and taking care of her aging grandmother, Gloria Muico cannot afford to lose her job. Gabriel Marcos promised to keep the incident a secret on two conditions: first, Gloria Muico pays him B\$50.00 monthly, and second, Gloria Muico becomes his mistress for six months. Afraid that she would lose her job, Gloria Muico gave in to Gabriel Marcos's demands. A month after the incident, Gabriel Marcos demanded B\$150.00 instead of B\$50.00. Gloria Marcos feared that Gabriel Marcos would keep increasing his demands. She comes to you for advice.

Advise Gloria Muico as to the criminal liabilities that she can file against Gabriel Marcos.

بالتوفيق والنجاح