



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)

James Chong suffered serious injuries to his right leg at the hands of Henry Hong, resulting in the amputation of his leg. Peter Leong, father of James Chong, had harboured a grudge against Henry Hong since that time and was out to take revenge. One day he caught hold of Henry Hong while he was coming back from work and indiscriminately pounded the legs and arms of Henry Hong with a heavy stick which he was carrying. In all, there were 18 injuries on the body of Henry Hong, who suffered multiple fractures on his arms and legs and died after two days. The medical report suggested that the cause of death was shock and haemorrhage resulting from multiple injuries. The trial court held that, in the circumstances of the case, since Peter Leong could not be attributed with the intention to kill, he was guilty of only culpable homicide not amounting to murder under section 304 of the Brunei Darussalam Penal Code, although the charge was under section 302 of the Brunei Darussalam Penal Code. The High Court concurred with the view of the trial court. The Public Prosecutor wants to file special leave to appeal in the Court of Appeal against the concurrent judgements of the courts below for seeking his conviction under section 302 of the Penal Code. But before doing so, it seeks your legal opinion as to whether a case under section 302 of the Brunei Darussalam Penal Code is made out.

Advise the Public Prosecutor.

QUESTION 2 (15 Marks)

Helena Goh got engaged to Richard Chan. After their engagement, they met on a number of occasions with a view to understanding each other. In one such meeting, Helena Goh was frank enough to tell Richard Chan that Henry Bong

was a good friend of hers, and she would have opted for Henry Bong if her parents had given her any choice in deciding her life partner. However, she added that she respected the decision of her parents in the matter and had no grudge. During further discussions between Helena Goh and Richard Chan, it turned out that Henry Bong was a classmate of Richard Chan and had been quite popular among girls, having the reputation of developing intimacy with them while being handsome and having an affable personality. One day Richard Chan found Henry Bong and Helena Goh having a cup of coffee in a restaurant, where Henry Bong was holding hands with Helena Goh. In fact, Henry Bong was only trying to read the palms of Helena Goh. After some day, Richard Chan again found Helena Goh in the company of Henry Bong and some other friends in a restaurant, where she was quietly talking to Henry Bong with affection most of the time. Richard Chan suspected that there was something more than friendship between Helena Goh and Henry Bong. Richard Chan happened to meet Henry Bong in the market the next day. He asked Henry Bong how close he was to Helena Goh and if he knew she was already engaged to him. Henry Bong retorted that he knew that she was engaged to him, but he was confident that she was still closer to him than to Richard Chan, which enraged him. Richard Chan immediately laid his hand on a knife lying on a fruit cart stall nearby and stabbed Henry Bong a number of times, shouting that he could not be allowed to seduce his fiancée. Henry Bong died soon thereafter because of the injuries caused by Richard Chan. Richard Chan is charged with murder under section 302 of the Brunei Darussalam Penal Code. He pleads grave and sudden provocation in his defence. Will Richard Chan succeed in his defence?

QUESTION 3 (15 Marks)

“Grievous hurt is hurt of a more serious kind”.

Critically examine the above statement and support your with relevant sections of the Brunei Darussalam Penal Code and case law.

QUESTION 4 (15 Marks)

Christine Lim is a 14-year-old girl who left the house after informing her mother that she was going to her school to see a concert. Her mother escorted her to the nearest bus stop, but she did not go to school. Instead, she went to her boyfriend's place in Jerudong. Nicholas Hong was happy to receive her girlfriend. The two had sexual intercourse. Christine Lim and Nicholas Hong were arrested during a police raid. However, Christine Lim was handed to her parents. According to Christine Lim's mother, she had not consented to her going out with Nicholas Hong. When the mother questioned her daughter, she confessed that she had been seeing her boyfriend without her parents' consent.

Advise whether Nicholas Hong can be convicted for kidnapping.

QUESTION 5 (15 Marks)

Catherine, a 21-year-old Filipino girl, worked as a domestic servant in Anita's house. Anita lost her necklace and suspected that Catherine had stolen it. She filed a complaint against Catherine, and both were called to the Gadong Police Station. Catherine came with her friend, and Anita came with her husband. All were asked to leave the Gadong Police Station except Catherine, whose presence was required for further investigation. Mat Zain, a police constable, then had sexual intercourse with Catherine in the police station, whereas another constable, Ismail, touched her private parts. Catherine said that she did not consent to the sexual intercourse and had protested the touching of her body in an inappropriate manner. Can Mat Zain and Ismail be held liable for rape?

QUESTION 6 (15 Marks)

Discuss the essential elements of the crime of theft and explain why a person cannot be charged for stealing a thing which is incapable of being stolen.

بالتوفيق والنجاح