

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER, MAY 2005

TITLE OF PAPER : **CRIMINAL LAW**

COURSE CODE : **IDE- DL013**

TIME ALLOWED : **TWO (2) HOURS**

INSTRUCTION : **1. QUESTION ONE (1) IS COMPULSORY.**
2. AFTER ANSWERING QUESTION ONE, CHOOSE ANY OTHER TWO (2) QUESTIONS TO BRING THE TOTAL NUMBER OF QUESTIONS ANSWERED TO THREE.
3. EACH QUESTION CARRIES A TOTAL OF 25 MARKS.

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

Write short notes of any five (5) of the following:

- | | | | |
|-----|--|-----|-------------------|
| (a) | Thin skull principle | [5] | |
| (b) | Versari inre illicita | [5] | |
| (c) | Distinction between crimes and delicts | [5] | |
| (d) | Accomplices | [5] | |
| (e) | Inchoate crimes | [5] | |
| (f) | vicarious liability | [5] | |
| (g) | Sane automatism | [5] | [25 MARKS] |

QUESTION 2

Referring to decided cases, discuss the defence of intoxication under the Criminal Liability of Intoxicated Persons Act 68 of 1938. **[25 MARKS]**

QUESTION 3

- (a) State the facts of the case of S V Mahlinza 1967 (1) SA 408. [10 marks]
- (b) What were the legal principles laid down in the case regarding insanity. (15 marks) **[25 MARKS]**

QUESTION 4

The accused and his wife quarreled. In the course of the quarrel, his wife called him a coward who was useless in a fight, who had no physical courage, and who was worse than a chicken in bravery. The accused comes from a remote agricultural village in Bigbend, whose community is noted for its abhorrence of physical combat. However, he has himself been brought up by a father who has strong notions about the need for physical courage and the importance for every man to be personally courageous.

Accused lost his temper at his wife's remark, picked up a hatchet and killed his wife in a blind of fury.

The accused pleads provocation to a charge of murder. Using the relevant authorities, indicate what your decision would be if you were the judge in this case. **[25 MARKS]**

QUESTION 5

Referring to decided cases, discuss the defences that vitiate unlawfulness. **[25 MARKS]**