

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2005**

**TITLE OF PAPER** : **CRIMINAL LAW**

**COURSE CODE** : **IDE- DL013**

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

**INSTRUCTION** : **1. ANSWER ANY THREE QUESTIONS.**  
**2. EACH QUESTION CARRIES A TOTAL OF 25 MARKS.**

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

**QUESTION 1**

- (a) How is the criminal liability of a corporation determined? [15 marks]
- (b) How is the criminal liability of a partnership determined? [10 marks]
- [25 MARKS]

**QUESTION 2**

Actus reus and Mens rea must at all times be contemporaneous. Discuss. [25 MARKS]

**QUESTION 3**

David had always wanted to settle a score with Thandie for rebuffing his advances. One day while Thandie was on her way to visit a friend, she met David who again made attempts to speak to her. Thandie again rebuffed him. David struck Thandie a blow to the head; Thandie fell to the ground unconscious and later died while undergoing treatment in a local hospital. The post mortem result shows that Thandie could not have died from the blow if it was not for the fact that she had an unusually thin skull.

With the aid of decided cases, discuss the criminal liability of David if any. [25 MARKS]

**QUESTION 4**

While repairing the roof of a local church on a Sunday morning, X strikes his thumb with a hammer and in the anguish of the moment cries out: "O Jesus Christ, you bastard!"

The statute under which X is charged reads:

"Any person who, on the Sabbath day, utters or so conducts himself as to show contempt for God or His Son, Jesus Christ, shall be guilty of an offence and punishment by a fine not exceeding E500.00 or imprisonment for nine months or both such fine and imprisonment".

Discuss the criminal liability of X. [25 MARKS]

**QUESTION 5**

Discuss the distinctions between, acts, omissions and state of affairs. [25 MARKS]