

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

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

**COURSE CODE** : **IDE-DL 022**

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

**INSTRUCTIONS** :

- 1. QUESTION ONE (1) IS COMPULSORY.**
- 2. ANSWER ANY OTHER TWO (2) QUESTIONS TO BRING THE TOTAL NUMBER OF QUESTIONS ANSWERED TO THREE (3).**
- 3. EACH QUESTION CARRIES A TOTAL OF 25 MARKS.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.**

WRITE SHORT NOTES ON ANY (3) OF THE FOLLOWING:

- (a) Theft by false pretences (9 marks)
- (b) Uttering (8 marks)
- (c) Aggravating factors (8 marks)
- (d) Extenuating circumstances (8 marks)
- (e) Mitigating factors (8 marks)

**QUESTION 2**

- (a) Discuss theft as a continuing offence. Use legal authorities to support your answer. **(15 Marks)**
- (b) Differentiate between the offence of theft and the offence of unlawful borrowing. Use legal authorities to support your answer. **(10 Marks)**

**Question 3**

- (a) Compare and contrast statutory rape and common law rape and highlight the legal authorities applicable to each. **(18 Marks)**
- (b) In what circumstances does fraud vitiate the defence of consent in rape cases and in what circumstance does it not? Use legal authorities to support your answer. **(7 Marks)**

**QUESTION 4**

- (a) Prepare indictments for the following offences

(i) Murder **(10 Marks)**

(ii) Robbery **(10 Marks)**

(b) Which of the offences in (a) is non bailable in Swaziland? Use legal authorities to support your answer **(5 Marks)**

**QUESTION 5**

Discuss the differences that exist in the three types of assault found in our criminal law using legal authorities to support your answer. **(25 Marks)**