

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

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

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

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

**INSTRUCTIONS** :

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

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

**QUESTION 1**

One evening a few days ago, Mkhwanazi met a beautiful young lady at a bar in Manzini. They immediately became good friends. When the bar closed, he went home with her. But at bedtime she produced a sjambok, and ordered Mkhwanazi to undress quickly. He thought it was a joke, but as he undressed she whipped him hard on the hips. Mkhwanazi got angry and would have fought back, but the lady immediately produced a pistol, which she pointed at him, while ordering him to lie down, which he did. She whipped him again on the buttocks. Mkwanzazi then decided that enough was enough - he had to fight back. But when he turned to face her, she pointed the pistol at his private parts. That disarmed him completely. Then to his surprise, she put the weapons aside and smiled at him saying:

“That was the curtain raiser, darling! Nothing stimulates me like a man in pain! Take me now!” Thinking this was absurd, Mkhwanazi left and went straight to the Police to report the incident.

The lady comes to you and explains that the pistol was a toy and she did not really mean any harm against Mkhwanazi, whom she still loves very much.

- (a) Advise her as to what offences she has committed if any. [15 marks]
- (b) How would your advice differ if the pistol were real? [10 marks]
- [25 MARKS]**

**QUESTION 2**

Explain all the principles and possible verdicts relating to the crime of rape, and discuss the rules pertaining to evidence. [25 MARKS]

**QUESTION 3**

Write informative notes on the following:

- (a) The differences between defamation and crimen injuria. [13 marks]
- (b) The differences between theft and robbery. [12 marks]
- [25 MARKS]**

**QUESTION 4**

Write informative notes on the following:

- (a) conduct on the part of the decedent himself [5]
- (b) subsequent conduct by the accused [5]
- (c) the acts of third parties [5]
- (d) corroboration [5]
- (e) social function of high treason in society [5]

**[25 MARKS]**

**QUESTION 5**

Prepare indictments for the following offences

- (b) indecent assault
- (c) assault with intent to cause grievous bodily harm.

[10 marks]

[15 marks]

**[25 MARKS]**