

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION, MAIN 2006

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : DL 013

TIME ALLOWED : THREE (2) HOURS

INSTRUCTIONS :

- 1. QUESTION (1) COMPULSORY**
- 2. AFTER ANSWERING QUESTION ONE CHOOSE ANY OTHER TWO (2) 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 on the following:

1. Provocation (8 marks)
2. Uncompleted attempts (4 marks)
3. Ius acceptum principle (8 marks)
4. Diminished Responsibility (5 marks)

[5 marks]

QUESTION 2

Mr Nkambule relocated from Mbabane Swaziland to Los Angeles USA in December, 2005. On the 30th January 2006 he was arrested by Police Officers on the charge that he had failed, refused or neglected to register with the Los Angeles Police Department on his arrival in the City, that he was a person previously convicted for a crime, as required by a Los Angeles City Ordinance. Mr Nkambule had previously in 2002 been convicted for stealing while he was a student in Swaziland. Advise Mr Nkambule. [25 MARKS]

QUESTION 3

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

QUESTION 4

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

QUESTION 5

Mandla is facing a charge of murder in that on the 24th October at Kalomshiyo area in the District of Hhohho, he struck Skhumbuzo with the blunt side of an axe. The blow rendered Skhumbuzo unconscious. Mandla believing that Skhumbuzo was dead, threw the body into a pond. A post mortem report revealed that the blow itself had not been fatal and that the death must have been caused by subsequent drowning in the pond. With particular reference to actus reus and mens rea, discuss the criminal liability of Mandla for the murder of Skhumbuzo. [25 MARKS]