UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, MAY 2007

TITLE OF PAPER	:	CRIMINAL LAW
COURSE CODE	:	IDE – DL 013
TIME	:	TWO (2) HOURS
INSTRUCTIONS	:	1. THERE ARE FIVE (5) QUESTIONS IN THIS QUESTION PAPER, EACH QUESTION CARRIES 25 MARKS 2. QUESTION ONE (1) IS COMPULSORY 3. AFTER ANSWERING QUESTION ONE (1) ATTEMPT ANY OTHER TWO QUESTIONS TO BRING THE TOTAL NUMBER OF QUESTIONS ANSWERED TO THREE (3)

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

QUESTION 1

Write short note on the following:

(a) Vesari inre illicita [9]

(b) Sane Automation [8]

(c) Insane automatism [8]

[25] MARKS

QUESTION 2

(a) State the facts in the case of *S.V.Manhlinza* 1967(1) SA 408 [10]

(b) What is the *ratio decidendi* of the case? [10]

(c) What is meant by a disease of the mind in criminal law? [5]

[25] MARKS

QUESTION 3

Strict liability has been referred to as "penological monsnosity" Is the description justifiable? Explain.

[25] MARKS

QUESTION 4

Accused and his wife quarreled .In course of the quarrel , his wife called him a coward ,who was useless in the fight ,who has no physical courage ,and who was worse than chicken in bravery .Accused comes from a remote agricultural village in Big Bend ,whose community is noted for its abhorrance 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 remarks, picked up a hatchet, and killed his wife in a blind of fury.
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.

[25MARKS]

QUESTION 5

Discuss the doctrine of common purpose in criminal law.

[25 MARKS]