

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2008**

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

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

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

**INSTRUCTION** : **1. THERE ARE FIVE (5) QUESTIONS IN THIS 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 SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.**

### **QUESTION 1**

State the difference between *culpa* and *dolus eventualis*. [25 Marks]

### **QUESTION 2**

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

The 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.

[25 Marks]

### **QUESTION 3**

Discuss the position regarding the defence of intoxication in Swaziland.

[25 Marks]

#### **QUESTION 4**

With particular reference to decided cases, discuss the doctrine of *versari in re illicita*.

[25 Marks]

#### **QUESTION 5**

Musa went by car to Thembinkosi Grocery, a shop owned by his longtime competitor, in the early hours of the morning, taking with him petrol and a tin containing inflammable material. When he got to the shop, he placed the tin against the door of the shop and poured petrol into and around it in such a way that the petrol ran under the door into the shop. Musa was then interrupted by the arrival of a policeman who was patrolling the neighbourhood before he could set the place alight. He was arrested by the police officer and detained at the local police station.

Discuss the legal issues arising.

[25 Marks]