

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

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : IDE-DL 022

TIME : TWO (2) HOURS

- INSTRUCTIONS :
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 IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.

**QUESTION 1**

Write short notes on the following:

- (a) Statutory abduction. [8]
- (b) Abortion. [9]
- (c) Statutory Sediton. [8]

[25 Marks]

**QUESTION 2**

With the aid of decided cases, discuss factual and legal causation with regard to murder and state the difference between the two.

[25 Marks]

**QUESTION 3**

Using your own facts prepare indictments for the following offences:

- (a) Theft [10]
- (b) Defamation [15]

[25 Marks]

#### **QUESTION 4**

Define Crimen Injuria and discuss the elements that must be proved to establish the commission of this crime. Cite legal authorities to support your answer.

[25 Marks]

#### **QUESTION 5**

Zwane, a Senior Accounts Clerk at Mnguni Paper Mills Ltd., was responsible for paying casual labourers at the factory, using cheques already signed by the Managing Director. All that Zwane had to do in order to effect a payment was to insert on the cheque the name of the relevant labourer as well as the correct amount owed. He would then prepare an accompanying voucher to be counter signed by the Chief Accountant before the cheque was handed over to the payee.

However, on one occasion when he needed money badly to pay for his son's school fees, he filled in his name as a payee on two cheques of E250.00 each, which he subsequently cashed. But he had not sent any accompanying voucher to the Chief Accountant for counter signing. He nevertheless regarded the whole transaction as "straight", because the company still owed him E700.00 for overtime, part of which could be used to offset the E500.00 he had received. In fact a month earlier, the company had tried to pay him E350.00. But before the cheque was written out, Zwane had seen the relevant cheque. Noticing that the figure of E350.00 was wrong, Zwane had modified it on the voucher to read E700.00. Unknown to him, the modified voucher had been sent to the police.

What offences if any has Zwane committed? Cite relevant authorities in support of your answer.

[25 Marks]