

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

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**

Dlamini was taking his evening stroll when he found Thwala, a boy aged 12, stealing his apples. Dlamini shouted at Thwala, but Thwala started running away. Dlamini then pulled out his pistol and fired at Thwala. The shot missed Thwala. However, it caught Thabo, who was returning home from his flock of sheep. The shot ripped off Thabo's right ear.

Thwala, in the meantime, was so frightened that he ran blindly and fell into a hole. He broke his left leg and fractured eight ribs. His father removed him from the hole, and took him to a famous witch doctor's place. There, he was prayed for, for three days. But the conditions were exceedingly sceptic. By the fourth day, Thwala was no more. He had died of tetanus.

Meanwhile, Thabo had been rushed on foot to a nearby hospital, 10 kilometres away. Unfortunately, Thabo was anaemic. He was certified dead within an hour of his admission into the hospital.

Discuss all legal problems arising.

[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*. [15 Marks]
- (b) The differences between theft and robbery. [10 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:

- (a) Indecent assault. [10 Marks]
- (b) Assault with intent to cause grievous bodily harm. [15 Marks]
- [25 Marks]