

UNIVERSITY OF SWAZILAND

SUPPLEMENTARY EXAMINATION PAPER, JULY 2009

TITLE OF PAPER	:	CRIMINAL LAW
COURSE CODE	:	IDE – DL 022
TIME	:	THREE (3 HOURS)
INSTRUCTIONS	:	<u>ANSWER QUESTION 1</u> AND ANY OTHER THREE (3) QUESTIONS
TOTAL MARKS	:	100

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BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

X struck Y on the head with a stone, rendering him unconscious. X sincerely believed that Y was dead. He therefore buried him. In fact the blow to the head did not result in the death of Y. Instead he died as a result of being buried. The court convicted X of attempted murder. Do you agree with the court's decision? Give reasons for your answer.

[25 MARKS]

QUESTION 2

Musa unlawfully hit Mashiya on the head with a knobkerrie and demanded E200.00 from him. Mashiya could not pay the E200.00 immediately, and Musa told him that he would continue to beat him until he paid this sum of money. The following day, Mashiya paid, because of the previous beating and the threat of future beating.

Has Musa committed any offence?

[25 MARKS]

QUESTION 3

(a) Distinguish *fraud* from *forgery*. [10 MARKS]

(b) What is the difference between *crimen injuria* and *defamation*?

[15 MARKS]

[25 MARKS]

QUESTION 4

In relation to murder, write short notes on the following:

(a) Factual causation [10 MARKS]

(b) Legal causation [15 MARKS]

[25 MARKS]

QUESTION 5

(a) What is assault? [10 MARKS]

(b) In what situations is assault lawful? [15 MARKS]

[25 MARKS]

QUESTION 6

Discuss the essential elements of rape. [25 MARKS]