

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DIPLOMA IN LAW**

**MAIN EXAMINATION PAPER – DECEMBER 2010**

<b>TITLE OF PAPER</b>	<b>:</b>	<b>CRIMINAL LAW</b>
<b>COURSE CODE</b>	<b>:</b>	<b>DL013</b>
<b>TIME</b>	<b>:</b>	<b>THREE (3) HOURS</b>
<b>INSTRUCTIONS</b>	<b>:</b>	<b>1. <u>ANSWER QUESTION 1</u></b> <b>(QUESTION 1</b> <b>CARRIES 40 MARKS)</b>  <b><u>AND</u></b>  <b>2. ANY OTHER TWO</b> <b>QUESTIONS</b>  <b>(QUESTIONS 2 - 5</b> <b>CARRY 30 MARKS</b> <b>EACH)</b>
<b>TOTAL MARKS</b>	<b>:</b>	<b>100</b>

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**Question 1**

Discuss fully the following statement:

“Today, as always, the Criminal Law is caught between two fires. On the one hand, there is the view that punishment of the morally derelict is its own justification. On the other, there is the view that the only proper goal of the criminal process is the prevention of anti-social behaviour.” (H. Parker, The Limits of the Criminal Sanction).

[40 Marks]

**Question 2**

The law does not punish mere thoughts. Criminal liability depends upon proof of unlawful conduct as well as culpability on the part of the accused.

Discuss.

[30 Marks]

**Question 3**

“The idea that every person is presumed to know the law has been sharply criticized: nobody, not even the most brilliant full-time lawyer, could keep abreast of the whole law, even if he reads the statutes, government gazettes and law reports, from morning till night.” C.R. Snyman, Criminal Law.

In view of this, is there any justification for the general rule that ignorance of the law is not an excuse?

[30 Marks]

**Question 4**

Briefly discuss the essential elements of the following:

(a) Private Defence

[17 Marks]

(b) Superior Orders

[13 Marks]

**Total** [30 Marks]

**Question 5**

While it is necessary that sentences should not be so lenient as to lead the community to self-help and anarchy, criminal authority should be exercised with fairness.

Discuss.

**[30 Marks]**