

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DIPLOMA IN LAW

SUPPLEMENTARY EXAMINATION PAPER JULY 2012

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : IDE-DL022

TIME : THREE (3) HOURS

INSTRUCTIONS : 1. ANSWER QUESTION 1

(QUESTION 1 CARRIES 40 MARKS)

AND

2. ANY OTHER TWO QUESTIONS.

(QUESTIONS 2-5 CARRY 30 MARKS EACH)

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**QUESTION 1**

“The authorities are clear upon the point that though consent of a woman may be gathered from her conduct, apart from her words, it is fallacious to take the absence of resistance as per se proof of consent. Submission by itself is no grant of consent, and if a man so intimidates a woman as to induce her to abandon resistance and submit to intercourse to which she is unwilling, he commits the crime of rape”. Per Murray, A.J.A., in Rex v Swiggelaar 1950 (1) PH H61 (A) at 110-1.

Discuss.

[40 Marks]

**QUESTION 2**

Sandy a Swazi man married Dolly a citizen of South Africa in 1987 in a civil marriage in South Africa. The following year, Sandy returned to Swaziland. While the marriage was still subsisting, he met and fell in love with Lizzie, a Swazi woman. He then went through what purported to be a lawful marriage ceremony with Lizzie in Swaziland under Swazi Law and Custom. Charged with bigamy, Sandy argues that the marriage under Swazi Law and Custom is not a valid form of marriage, and consequently, he did not enter into what purported to be a lawful ceremony of marriage.

Discuss the liability of Sandy on a charge of bigamy.

[30 Marks]

**QUESTION 3**

Briefly discuss the essential elements of the following offences:

(a) Defamation

[20 Marks]

(b) Abortion

[10 Marks]

[30 Marks]

**QUESTION 4**

Discuss the essential elements of the offence of robbery and describe the differences, if any, between robbery and common theft.

[30 Marks]

**QUESTION 5**

Write brief notes on the following offences:

(a) Theft by false pretences

**[15 Marks]**

(b) Abduction

**[15 Marks]**

**[30 Marks]**