

IDE LAW 202-2019

**UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
IDE- LLB II
MAIN EXAMINATION PAPER-MAY 2019**

TITLE OF PAPER: CRIMINAL LAW II: SPECIFIC CRIMES

COURSE : IDE LAW 202

TIME: 3 HOURS

INSTRUCTIONS:

- 1. ANSWER QUESTION 1 WHICH IS COMPULSORY AND ANY THREE ADDITIONAL QUESTIONS.**

DO NOT OPEN THE PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.

QUESTION ONE

David Ngowe is 22 years and is the son of Menzi Dlamini who is holding a high position in the Ministry of Agriculture. One evening on a Friday David went to a birthday party in his neighbour's homestead. While everyone was enjoying the party David proposed love to one Alice Nzunza a neighbor's daughter who was 17 years at the time and she agreed. Since everyone was busy enjoying the party David took Alice to a nearby old hut and they had sexual intercourse. One of the elderly people caught them on the act and raised an alarm which caught the attention of those who had attended the party. One of the party attendees Mandla Nduli hacked David twice on the head as he labelled David's act as a shame in the area. David sustained serious injuries. While the crowd was busy concentrating on David's injuries, one Phohlo Ncube who came late on the crime scene picked up a big stick and beat everyone when he saw his friend David covered with blood all over his face and during the skirmish Phohlo injured Bene Nkosi who died in hospital four days later. On the following day Menzi approached Alice's father Gome Nzunza and told him that David's act is viewed as a serious offence and if convicted he would spend several years behind bars and in the process he will lose his future as he was still pursuing his tertiary education at Ngwane College. Menzi promised to pay Alice's father Fifty thousand Emalangenani if he would not report the matter to the police and treat it as *tibi tendlu*. Constable 1129 detective Mwandza who is new in the police service is assigned to carry out investigations and he compiled a docket.

REQUIRED:

As a prosecutor in the Director of Prosecutions Chambers advise detective Mwandza as to what possible charges are to be preferred against David, Menzi, Mandla, Phohlo and Gome. Give reasons why such charges can be preferred against each person if there are any.

(25 MARKS)

QUESTION TWO.

Musa Dlako is employed in the mines of the Republic of South Africa. While in the mines he met a 15 year old boy by the name of Senzo Dlodlo and he told the boy that he has a large herd of cattle at home in Eswatini. He requested the boy to come to Eswatini to herd his cattle and promised to pay him E1200.00 per month. Due to the fact that the boy had no passport he had to

use the illegal crossings to come to Eswatini. When the boy arrived in Eswatini, he was subjected to abuse as he was made to sleep in the old hut without a door. When the boy asked for his money at the end of the month he was told that he would get it the following month. The boy was not paid for a period of six months and he could not report Mr. Dlako because he was in the country illegally. The matter was then reported to the police by one of the community caregivers. Investigations revealed that Dlako took the boy without the consent of the boy's parents.

Referring to specific legislations discuss as to what crimes Mr. Dlako has committed.

(25 MARKS)

QUESTION THREE.

With reference to legal authority briefly discuss the following:

(a) Assault Common : (12 MARKS)

(b) Assault with intent to cause grievous bodily harm : (13 MARKS)

(25 MARKS)

QUESTION FOUR.

With the aid of decided cases critically discuss the crime of Abortion in Eswatini.

(25 MARKS)

QUESTION FIVE.

Dolly Ndlozi is employed by the First National Bank at Mbabane as a teller. On the 23rd June 2018 she arranged with her friend Gesi Mnguni that she would transfer E500 000.00 to Gesi's account on the pretext that Gesi had applied for a car loan. Gesi would then withdraw the money and give it to Dolly who would then pay her E100 000.00 as an appreciation for using Gesi's account. Indeed Dolly transferred the money to Gesi's account and Gesi subsequently withdrew it as planned and further gave it to Dolly. Dolly used the money to buy two cars and built some flats for rental at Msunduzi-Mbabane. Gesi used the money to build a house at Makholokholo. The bank eventually detected that the money was missing. The matter was reported to the police.

REQUIRED:

Advise the police as to what possible charges can be preferred against both people and why?

(25 MARKS)

QUESTION SIX.

Jane and Kate are close friends. One day while they were at Mbabane doing window shopping at Jet Stores they met a young man and they discovered that the young man was dating both of them. The two girls then had an argument since none of them was prepared to lose the handsome man. During the argument Jane called Kate a prostitute who is HIV positive and was going to kill the young man and the people around them whose attention had been caught by the shouting laughed. Kate felt embarrassed and she went straight to the Mbabane Police Station and laid a charge against Jane. The police come to you for advice. Advise them as to what charges can be preferred against Jane if any.

(25 MARKS)