



**UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
BACHELOR OF LAWS/DIPLOMA IN LAW
FINAL EXAMINATION PAPER NOVEMBER 2019**

TITLE: GENERAL PRINCIPLES OF CRIMINAL LAW

COURSE CODE: LAW 201

TIME ALLOWED: THREE (3) HOURS.

TOTAL MARKS : 100

**INSTRUCTIONS : ANSWER QUESTION 1 WHICH IS
COMPULSORY AND THREE ADDITIONAL QUESTIONS FROM
QUESTION 2 TO 6.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION TO DO SO HAS BEEN
GRANTED BY THE INVIGILATOR.**

57

QUESTION ONE

Derrick, Dlodlo and Silas who are friends were approached by the girlfriend of Derrick who was a personal secretary (Gcebile) of a company called Marlboro (PTY) LTD in the Shiselweni Region. On the 20th March 2019 Gcebile told the three friends that the company was going to bank money amounting to E60, 000.00 the following day at 09.00 am. She further informed them as to how the money was to be transported and by who. The three friends then planned as to how they were going to take the money. On the following day the three friends drove to Nediso next to Nhlanguano and parked there waiting for the company vehicle transporting the money. Derrick was armed with a pistol, Dlodlo was driving the getaway vehicle and Silas was carrying a pick-head for breaking the money box. Silas had been drinking beer almost the better part of the night. During the taking of the money Derrick shot one of the people who were transporting the money and the person died on the spot. The whole amount was taken. While Silas and Derrick were heading to the getaway vehicle two people came and tried to apprehend the robbers. Silas hacked one of the people on the head with the pick head and the person died on the spot. When the four met at an arranged place Dlodlo asked why the deceased were killed, Silas told him that it was due to drunkenness. The money was shared between the three friends as well as Gcebile. The four were eventually arrested and charged with Robbery and Murder.

REQUIRED:

Critically discuss the criminal liability of each accused person in the above hypothetical case. Remember to cite relevant legal authorities to support your answer. **(25 Marks)**

QUESTION TWO

Briefly discuss the following:

- | | |
|--------------------------------|------------|
| (i) Perpetrator | (10 Marks) |
| (ii) Accomplices | (10 Marks) |
| (iii) Accessory after the fact | (5 Marks) |

TOTAL: (25 Marks)

QUESTION THREE

“A person is entitled to defend himself if he is attacked by another”.

Critically discuss demonstrating clearly the application of self defence in our law.

(25 Marks)

QUESTION FOUR

“The issue of “proportionality” in provocation cases presents a problem”. Do you agree?

Critically discuss.

(25 Marks)

QUESTION FIVE

“[26] It is apparent from the above evidence that the Crown has proved the commission of both offences as charged beyond reasonable doubt. The accused raped the deceased but when she resisted, he stabbed her to death. The scratch marks on his face bear evidence of this resistance” as per the Chief Justice M.C.B Maphalala in the matter of Rex vs Sabelo Kunene Criminal Case No 445/2011.

Critically discuss the above quotation in respect of the legal principles expounded in this case in respect of the two offences.

(25 Marks)

QUESTION SIX

What is meant by intoxication in our law? Discuss.

(25 Marks)