



UNIVERSITY OF ESWATINI

FIRST SEMESTER MAIN EXAMINATION PAPER, NOVEMBER 2019

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

COURSE CODE: LAW201

TITLE OF PAPER: CRIMINAL LAW- GENERAL PRINCIPLES

TIME ALLOWED: 3 HOURS

Instructions

1. This paper consists of SIX (6) questions.
2. Answer any FOUR (4) questions.

Special Requirements

None

Additional Material (s)

None

Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance cards but must NOT write anything else until the start of the examination period is announced.

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

QUESTION ONE

“The purpose of criminal punishment should be the rehabilitation of the criminal and nothing else.” Do you agree?

[25 marks]

QUESTION TWO

Critically examine the scope as well as the rationale and the limitations of the intoxication defence under the criminal law of Swaziland.

[25 marks]

QUESTION THREE

“The principle of legality in Swaziland is more of an ideal than a reality.” By an LL.B II student at UNESWA.

Explain and critically discuss the quotation.

[25 marks]

QUESTION FOUR

(a) What, in your opinion are the crucial differences between the defences of insanity and automatism?

[10 marks]

(b) A and B are brothers. A, who hates B because the latter is the designated heir to the vast family sugar fortune decides to kill B. On B's birthday, A sends him a bottle of brandy into which he has dumped a quantity of arsenic. At B's birthday party that night, B opens the bottle of brandy and pours for himself a glass of the poisoned drink. Before he could drink the brandy, C, his fiancée who does not like B to drink, snatches the glass from B's hand and pours the drink into the toilet. At that point, V, who is B's friend and the DJ at the party takes and drinks the brandy in celebration with his friend. V subsequently dies from the poisoned brandy. The police, who have all along been following A, step in and arrest him.

What crime(s) has A committed? Would it make any difference if it were A himself who had a change of heart and had snatched the glass of brandy from his brother when B was about to drink it (before V drank the brandy)?

[15 marks]

[25 marks]

QUESTION FIVE

- (a) With the aid of decided cases or illustrations, explain the concept of *novus actus interveniens* in homicide cases.

[10 marks]

- (b) A, who hates his neighbour B because he suspects that B has designs on his beautiful young wife, plans to kill him. One day the two neighbours go out hunting at night. When they got to the forest they separated to look for wild animals. A makes his way to a spring which he knows is a favourite haunt for warthogs. At the spring, he hears a splash and a grunt. He fires his gun at an object in the water, believing that he was shooting at a warthog. The object turns out to be B, who appears to be dead. A, who is happy that B is dead throws the body into the spring. B did not die from the bullet wound, but drowned.

What, if at all, is the criminal liability of A?

[15 marks]

[25 marks]

QUESTION SIX

Write short notes on the following:

- (a) The criminal liability of an accomplice,

[6 marks]

- (b) The criminal liability of an accessory after the fact,

[7 marks]

- (c) The doctrine of common purpose.

[12 marks]

[25 marks]