

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
DEPARTMENT OF LAW  
SUPPLEMENTARY EXAMINATION PAPER, JULY 2007

TITLE OF PAPER : CRIMINAL LAW  
COURSE CODE : IDE – DL 013  
TIME : TWO (2) HOURS  
INSTRUCTIONS : 1. ANSWER ANY THREE QUESTIONS.  
2. EACH QUESTION CARRIES A  
TOTAL OF 25 MARKS

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

**QUESTION 1**

*Actus Reus* and *mens rea* must at all times be contemporaneous. Discuss

**[25] MARKS**

**QUESTION 2**

Referring to decided cases, discuss the defences that vitiate unlawfulness.

**[25] MARKS**

**QUESTION 3**

Themba is the editor of the weekend edition of 'PKCK NEWLETTER' a news paper circulating in Mkhondzeni area. X writes an article about the wife of the chief of the area with the headline:

"LaMthonjeni, the wife of the chief Wily is nothing but a useless college dropout with a string of ex-boy friends and lovers"

The allegations are subsequently discovered to have an element of truth in them. PKCK NEWSLETTER is owned by a publisher company PKCK (PTY) LTD of which Zibuse Thusi is a managing director.

(a) Discuss the criminal liability of Mr Zibuse Thusi in respect of the publication

**[20] MARKS**

(b) Can PKCK (PTY) LTD be held criminally liable for the publication on the basis of vicarious liability?

**[5] MARKS**

**QUESTION 4**

Angel is a woman of 35 years and is unmarried. Muzi, her younger brother is aged 10 years. One cold night Angel invites her brother to come and have sex with her. Muzi gets excited about the idea. The two have sexual intercourse repeatedly during the night. Muzi's mother is disturbed by the noise coming from the bedroom and upon investigating she finds the two in the act of intercourse.

Discuss the legal issues arising and state whether any charges can be preferred against anyone of them. Cite legal authorities to support your answer.

**[25] MARKS**

**QUESTION 5**

Discuss the distinctions between, acts, omissions and state of affairs.

**[25 MARKS]**