

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

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : IDE – DL 022

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**

Write informative notes on the following:

- |                                                             |                   |
|-------------------------------------------------------------|-------------------|
| (a) Conduct of the decedent himself                         | [5]               |
| (b) Subsequent conduct by the accused                       | [5]               |
| (c) The act of the third parties                            | [5]               |
| (d) Corroboration                                           | [5]               |
| (e) Social function of the crime of high treason in society | [5]               |
|                                                             | <b>[25] MARKS</b> |

### **QUESTION 2**

Prepare indictments of the following offences

- |                                                       |                   |
|-------------------------------------------------------|-------------------|
| (a) indecent assault                                  | [ 10 ]            |
| (b) assault with intent to cause grievous bodily harm | [ 15 ]            |
|                                                       | <b>[25] MARKS</b> |

### **QUESTION 3**

One evening a few days ago, Mlotsa met a beautiful young lady at the bar in Manzini. They immediately became good friends. When the bar closed, he went home with her, but at bed time he produced a sjambok, and ordered Mlotsa to undress quickly. He thought it was a joke, but as he undressed she whipped him hard on the hips. Mlotsa got angry and would have fought back, but the lady immediately produced a pistol, which she pointed at him, while ordering him to lie down, which he did. She whipped him again on the buttocks. Mlotsa then decided that enough was enough- he had to fight back, but when he turned to face her, she pointed the pistol at his private parts. That disarmed him completely then to his surprise, she put the weapons aside and smiled at him saying:

“That was the curtain raiser, darling! Nothing stimulates me like a man in pain! Take me now!” Thinking this was absurd; Mlotsa left and went straight to the police to report the incident.

The lady comes to you and explains that the pistol was a toy and she did not mean any harm against Mlotsa, whom she still loves very much.

- |                                                              |                   |
|--------------------------------------------------------------|-------------------|
| (a) Advise her as to what offences she has committed if any. | [15]              |
| (b) How would your advice differ if the pistol was real?     | [10]              |
|                                                              | <b>[25 MARKS]</b> |

**QUESTION 4**

Write informative notes on the following:

(a) The differences between defamation and crimen injuria [13]

(b) The differences between theft and robbery [12]

**[25MARKS]**

**QUESTION 5**

Explain all the principles and possible verdicts relating to the crime of rape and discuss the rules pertaining to evidence.

**[25 MARKS]**