

THE OPEN UNIVERSITY OF SRI LANKA
LL.B. DEGREE PROGRAMME - LEVEL 4
FINAL EXAMINATION - 2006/2007
CRIMINAL LAW – LWU 2312
DURATION : THREE (03) HOURS



DATE : 08th March 2007

TIME : 10.00 a.m. – 1.00 p.m.

ANSWER FIVE QUESTION ONLY.

Illegible handwriting will be penalized.

01. “In law, a man intends the consequence of his voluntary act when he desires it to happen, whether or not he foresees that it probably will happen, or when he foresees that it will probably happen whether he desires it or not.”

Discuss the basic elements of the concept of mens-rea in the light of the above statement and decided cases.

02. “There must be a direct causal link between the act which caused harm to the deceased and his death for criminal liability to arise”

Critically analyse this statement with reference to case law.

03. Veer had a close friendship with Zara and they were going out together for about two years. Their friendship had come to an end after Veer left Zara and started an affair with Karishma, an upcoming actress.

One day Zara met Veer and Karishma at a party where an argument between Zara and Veer broke out. After a great deal of obscene language and shouting Zara told Veer to leave the place. When Veer refused to leave, Zara poured a glass of Champagne over him. Veer held Zara up against a wall and slapped her. Zara lunged at Veer with the hand which held the champagne glass. The glass hit Veer’s face, broke, and as a result his eyes got severely injured.

Zara claimed that she had been acting in the exercise of the right of private defence. Discuss.

04. Amith, an antique collector, saw a hand painted small plate belonging to his neighbour Chanaka, kept on a table in Chanaka's house. Not venturing to take the plate immediately for fear of search and detection, Amith hid the plate in a place where it is highly improbable that it will ever be found by Chanaka with the intention of taking the plate from the hiding place when the loss is forgotten.

Discuss.

05. Discuss with reference to decided cases, the offence of culpable homicide and the circumstances in which culpable homicide would amount to murder.

06. Romeo was charged with kidnapping Juliet, a girl of 14 years from her lawful guardians. Consider the validity of the following defences with reference to decided cases.

- i. Juliet invited Romeo to elope with her and having left her house on the pretext of going to school, she met him at a bus stop.
- ii. Romeo had only invited her to go to the zoo with the intention of bringing her back in the evening.
- iii. Juliet had let Romeo to believe that she was 18 years old.

07. Selvan, a young tourist guide, was charged with murder of a middle aged foreigner Abdul Khan by splitting his skull with a chapati pan, a heavy kitchen utensil similar to a rimless frying pan. At the time of the killing, only two of them had been there in Abdul Khan's flat.

Selvan had told the police that Abdul Khan had sexually abused him in spite of his resistance and had then laughed at him sarcastically. Whereupon Selvan had lost his self control and attacked Abdul Khan fatally with the Chapati pan.

Discuss the Criminal Liability of Selvan.

08. Write notes on any two of the following.

- i. The defence of insanity.
- ii. The offence of criminal breach of trust.
- iii. Confessions and its admissibility.
- iv. The defence of consent.

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