



## **SCHOOL OF LAW**

**NLLB 103 CRIMINAL LAW**

**END OF SECOND SEMESTER EXAMINATIONS**

**APRIL/MAY 2024**

**LECTURER: DR S PHIRI**

**DURATION: 3HRS**

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### **GENERAL INSTRUCTIONS TO CANDIDATES**

- 1. Do NOT write your name on the answer sheet.**
2. Write legibly.
3. Students **MAY NOT** take any material into the examination.
- 4. Answer ALL questions.**
5. You are advised to read all questions carefully before attempting to answer any.
- 6. Begin your answer for each question on a new page.**
- 7. Cite RELEVANT authorities to support your arguments.**
- 8. You may start with any question.**

### **Question 1**

a) Define the following terms:

- i) Perpetrator (2)
- ii) Co-perpetrator (2)
- iii) Accomplice (2)
- iv) Accessory (2)
- v) Conduct (2)

b) Give a brief explanation of what does the burden of proof entails in Criminal Law. (5)

### **Question 2**

- a) Discuss 2 reasons for punishing in Criminal Law. (10)
- b) Discuss any 2 possible defences that can be raised by an accused in a criminal matter. (10)
- c) State and explain 2 special forms of criminal liability. (5)

### **Question 3**

Discuss in detail the general essential elements of criminal liability. (25)

### **Question 4**

Kudzai is a very wealthy businessman who lives in a luxurious four story house with his wife and his three-year-old son Teddy. On a sunny day Kudzai removed the pool cover to enjoy some swimming. After an hour of swimming he went to the house to grab a cocktail and left the pool uncovered. Unnoticed, his three-year-old son Teddy crawled into the pool and died instantly as a result of drowning. Kudzai is charged with murder and he approaches you for advice on the appropriateness of the charge.

Advise him. (15)

### **Question 5**

Thatho is a fresh High school graduate who has been dreaming of living abroad. To ensure that his dream comes true, he did a short course in Nurse Aid. He was lucky

enough to get a position in the UK as an Aid worker in a very busy hospital. Thatho was assigned to look after Mr Smith a critical patient who was involved in a fatal car accident. After three months of caring and aiding Mr Smith, Mr Smith started showing great signs of recovery. Thatho then became reluctant in caring for Mr Smith. As a result of Thatho's conduct, Mr Smith developed serious bedsores which became infected leading to his death as a result of infected wounds. Can Thatho be found liable for the death of Mr Smith? Discuss. (15)

### **Question 6**

D stabbed C on the chest while they were fighting. An ambulance was called to rush C to the hospital. As the ambulance was approaching Christmas Pass, it collided with a huge timber truck. C was squashed by timber and died on spot. Can D be found liable for the death of C? Briefly discuss. (5)

❖ **END**