



SCHOOL OF LAW

NLLB103: CRIMINAL LAW

END OF SECOND SEMESTER EXAMINATIONS

MAY/JUNE 2025

LECTURER: DR S PHIRI

DURATION: 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet.**
2. Write legibly.
3. Answer **ALL** questions.
4. You are advised to read all questions carefully before attempting to answer any.
5. Refer to **RELEVANT** authorities to support your arguments.
6. You may start with any question.

ANSWER ANY FOUR QUESTIONS

Question 1

a) Define the following crimes:

(i) Murder. **[2 marks]**

(ii) Infanticide. **[3 marks]**

(iii) Culpable homicide. **[2 marks]**

(iv) Rape. **[3 marks]**

b) Discuss intoxication as a possible defence in criminal matters. **[10 marks]**

c) Discuss temporary insanity as a form of defence in criminal matters. **[5 marks]**

Question 2

a) Daniel was born and raised in a small rural village in Manicaland province. Immediately after turning 20 years old, he was influenced by his parents to customarily marry a beautiful young lady, Chipo whom he did not love. Three years into their marriage, Daniel got a job and moved to Harare to work as a security guard in one of the big companies. It is during this time that he met Rumbi whom he strongly believes that she is the love of his life. Daniel does not want to waste time and arranges to marry Rumbi. To conclude their marriage, Daniel and Rumbi decide to approach the Magistrate Court to register their marriage. Chipo however, learnt from the grapevine of Daniel's plan. On the said date, when Daniel and Rumbi had just completed signing the marriage certificate, Chipo arrived with the police and Daniel was arrested for committing a crime. Daniel denies that he was in a marriage with Chipo because he did not love her and it was not his choice to marry her. State and discuss the offence that Daniel committed if any, outlining its essential elements. **[10 marks]**

b) Lindo breaks into one of the mansions with the intention of stealing valuable jewellery. When he is about to leave the mansion with a bag full of gold and silver jewellery, the neighbourhood watch committee officer finds Lindo and arrests him. With reference to authority, can Lindo be found guilty of theft?

[15 marks]

Question 3

On the 21st of February, around midnight, Chipo and Rudo, who are first-year female students were walking from Phenalonga to the AU campus after a long day of enjoying the 21st Movement celebration. They then decided to take a short cut which passed through the settlement of illegal gold miners popularly known as Makorokoza. The two met with a decent middle-aged male who informed them that he was the owner of the settlement and offered to accommodate them until dawn. At around 3 am, Chipo and Rudo were handcuffed and sexually assaulted by Mr X, the settlement owner. He used sex toys and fingers to penetrate their private parts. The following morning, they were released and they headed off to the police to report rape. Constable Phiri who had just joined the police force, after hearing their sad story quickly opened a charge of rape.

- a) Given these facts, discuss whether the charge will stand in a court of law. **[20 marks]**
- b) Assuming that the above charge cannot be sustained, will the accused be found guilty of any other charge? **[5 marks]**

Question 4

B is very jealous of A his brother who has been appointed as the Managing Director of a successful family business. B decides to kill him by poisoning his energy drink during the ceremony. C, the young brother, who did a Health-related course, does not want anyone in their family to drink any type of energy drink given its high caffeine content. When C saw B handing C the energy drink, C unaware that the drink was poisoned, grabbed it and smashed it on the ground. The police who had been following B and observing his actions arrested B at that point.

- a) Discuss the criminal liability of B if any. Would it make any difference if B is the one who smashed the poisoned energy drink? **[5 marks]**
- b) Outline the essential elements of the crime of threat. **[5 marks]**
- c) D stabs C in the chest while they are 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 the spot. Discuss the criminal liability of D for C's death. **[15 marks]**

Question 5

B has been living with his grandmother who has been suffering from cancer for nearly 20 years. B loves his grandmother and he cannot take it any more to see her in such pain. B out of love for his grandmother, one morning feeds his grandmother poisoned porridge. The grandmother took just two scoops and she died peacefully. B was very happy to relieve his grandmother of the pain. B is shocked when he is arrested for killing his grandmother. This was after the post-mortem result revealed that the cause of death was poisoning. B innocently narrated to the police why he did what he did.

- a) From the given facts, what offence did B commit? **[15 marks]**
- b) State and explain 2 special forms of criminal liability. **[10 marks]**