

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME- LEVEL IV
FINAL EXAMINATION (OPEN BOOK- ONLINE) -2020/2021
LLU4806- CRIMINAL LAW
DURATION – 03 HOURS



Date: 18th September 2021

Time: 9.30 a.m. -12.30 p.m.

Number of Questions – 06

Answer FOUR (04) questions only

Students will be penalized for illegible handwriting

1. Anthony obtains a vehicle for rent and sets off with the intention to shoot Sam, his longtime rival, to death. On the way Anthony accidentally runs over and kills a pedestrian who steps into the road carelessly. It is subsequently discovered that the pedestrian he has accidentally killed is in fact Sam. Later, the police found a loaded pistol and a bottle of Vodka under a seat of the vehicle.

Does the causal link between *actus reus* and *mens rea* remain unbroken in the above situation?

Discuss with reference to relevant provisions in the Penal Code of Sri Lanka along with case law authorities.

(25 marks)

2. Kamal, a caring father of two children Thisuri and Dinul, is a fanatical cricket fan. One day while he was watching a T 20 series on TV, he was extremely shocked and depressed to see the Sri Lankan team being beaten by nine wickets by the Indian team. At the same time he heard his little son Dinul frantically crying in the room. Kamal ran up to Dinul and pushed him violently. Dinul fell unconscious on the floor and suffered head injuries. Kamal's family physician Dr. Rajendran states that Kamal is a patient with a history of epilepsy and schizophrenia. Kamal is charged with grievous hurt.

Advise Kamal as to what defences, if any, are available for him. Support your answer with relevant statutory provisions and case law.

(25 marks)

3. Discuss in the light of relevant provisions of the Penal Code of Sri Lanka and decided cases, the offences if any, that have been committed in each of the following circumstances.

- (i). Kumari finds a gold chain on a bench at a railway station. Without attempting to discover the owner, Kumari sells it immediately to a jeweler and obtains Rs.50,000/= from which she deposits Rs.48,000/= in her savings account and donates Rs.2000/= to a hospital fund.
- (ii). Fernando is the executor of the last-will of Edward. According to the directions of the will Fernando should make arrangements to divide 'Kurunduwatte', a 24 acre land, equally among Edward's three children namely Dilan, Kushan and Malithi. Fernando divides 'Kurunduwatte' equally among Dilan, Kushan, Malithi and himself.
- (iii). Wickram, pretending to be a high official in a multinational company asks Jagath to pay a sum of 1,000,000/= in order to procure an employment for him at the Middle Eastern branch of the same company. Jagath manages to obtain the required sum by mortgaging his house and pays the money to Wickram. Jagath soon discovers that Wickram is not a high official in a multinational company but a sales person works in a local supermarket chain. Wickram neither procures the promised employment nor returns the sum of money to Jagath.

(25 marks)

4. While walking along the road with her fiancé Janith, Thushani remarks that the roses in her neighbor Chandra's garden are beautiful. Janith promptly jumps over the parapet wall and starts picking a bunch of roses for her. Chandra and her son Ruwan notice Janith in their garden. They shout at Janith and attempt to stop him from picking roses. Janith knocks Ruwan down and pushes Chandra against the gatepost. He then escapes with the roses. Chandra suffers bruises and Ruwan's arm is fractured.

Discuss what offences, if any, Janith has committed under the Penal Code of Sri Lanka. Support your answer with relevant statutory provisions and case law.

(25 marks)

5. Freddie and Bernard agreed to inject each other with heroin. Bernard had consented to a number of injections during a course of an evening. The following morning Bernard was found to have died from the effects of excessive taking of heroin. Freddie is charged with murder. He denies the charges stating that there had been no unlawful act as Bernard had consented to the injection of heroin.

Discuss the criminal liability of Freddie citing relevant statutory provisions and case law.

(25 marks)

6. Mohan, a final year university student became intoxicated at a batch get-together party. Dinithi, a 16-year-old school girl, who joined the party with her friend Shalini began dancing with Mohan. Sometime later, Mohan pulled Dinithi into a corner room at the party house and had sexual intercourse with her. Dinithi was not intoxicated and fully aware of the incident. She didn't resist as she was shocked and afraid of Mohan. Few hours later, Shalini found Dinithi in a very disturbed condition. On making inquiries she found out what had happened. By that time Dinithi had washed herself thoroughly. The next day, Dinithi lodged a complaint in the local police station and Mohan has been charged with rape.

Advise Mohan.

(25 marks)

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