

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB DEGREE PROGRAMME- LEVEL 4
 FINAL EXAMINATION- 2023/2024
 LLU 4806 CRIMINAL LAW
 DURATION- 3 HOURS



DATE: 18th May 2025

TIME: 1.30 p.m.- 4.30 p.m.

Total Number of Questions - 08

Answer Five (05) Questions Only

Illegible handwriting will be penalized.

1. "In theory, the *actus reus* and *mens rea* elements of criminal offences are doing different jobs. The external (*actus reus*) elements of the offence approximately reproduce the substance of a society's rules of conduct-the rules which tell all of us what we can and cannot do."

William Wilson, *Criminal Law* (1st edn, Addison Wesley Longman Ltd, 1998)p.65

With reference to the above statement, discuss the application of *actus reus* and *mens rea* principles in establishing criminal liability under Sri Lankan criminal law.
 Support your answer with the relevant statutory provisions and case law.

(20 Marks)

2. Nimesh, a three-wheeler driver has an ongoing conflict with Ramesh who is an owner of a restaurant. One day, Nimesh parked his three-wheeler in front of Ramesh's restaurant blocking the entrance of the restaurant. A heated argument arose between Nimesh and Ramesh. They started to attack each other and during the attack Ramesh ran into the restaurant. He picked up a knife and stabbed Nimesh several times in the stomach. Nimesh was taken to the hospital by a person who was witnessing the scene. However, there was a delay in admitting to the hospital and the doctor failed to diagnose the injuries and prescribe a proper course of treatment. As a result, Nimesh died. The forensic medical experts who conducted the autopsy revealed that if treatment had been given in time, Nimal's life would have been saved.

Ramesh has been charged with murder under the Penal Code of Sri Lanka. His argument is now that doctor's negligence is the real causes of death.

Discuss the above factual situation with reference to the principle of causation under Sri Lankan criminal law.

Support your answer with the relevant statutory provisions and case law.

(20 Marks)

3. "Evidence is a term ordinarily used to indicate facts which produce conviction in the mind as to the existence of another fact".

Lyman R Patterson, *'The Types of Evidence: An analysis'* (1965) 19 Vand L Rev 1

In light of the above statement, explain the different types of evidence.

Support your answer with the relevant statutory provisions, practical examples and case law.

(20 Marks)

4. Gayan and Ranawaka are neighbours in a crowded residential apartment in Borella. For several days, loud music came from Gayan's house, disturbing Ranawaka who was suffering from serious medical conditions resulting from a recent brain surgery and ongoing heart problems. One day, Ranawaka was feeling unwell, politely requested Gayan to stop the loud music explaining that the noise was aggravating his condition. Gayan who was well aware of Ranawaka's illness, refused Ranawaka's request and a heated argument followed thereafter. Suddenly, Gayan struck Ranawaka on the head with a heavy wooden club and forcefully pushed him, causing his head to hit on the wall. Ranawaka was hospitalized and died shortly due to bleeding in the brain.

Considering the above factual situation analyse the criminal liability of Gayan in relation to murder under the Penal Code of Sri Lanka.

Support your answer with the relevant statutory provisions and case law.

(20 Marks)

5. "The distinction between hurt and grievous hurt in the Sri Lankan Penal Code plays a critical role in determining the severity of criminal liability and the severity of the punishment in cases involving physical injuries."

Discuss.

Support your answer with the statutory provisions and case law.

(20 Marks)

6. Consider the following scenarios ;

(a) Chamara, a 25-year-old unemployed man, had been watching people coming in and out of the bank. He noticed Iresh, a middle-aged school teacher withdrawing some money from an ATM Machine near the bank. Iresh placed the cash in his wallet and started to walk along the road to pick up a taxi.

Chamara followed Iresh and when they turned to an isolated lane, Chamara suddenly ran up to him from behind and snatched Iresh's wallet by pointing a pistol at his head.

(10 Marks)

(b). Hemanthi and Nilanthi are friends and they decided to start a small cake shop. Both agreed to contribute fifty thousand rupees each and Hemanthi was entrusted with opening a joint account in their names. However, due to the delay occurred in opening the account opening she temporarily opened the account in her own name, promising to update it to a joint account after a month.

Even after two month's time, Nilanthi observed that she had not being updated about the outstanding balance in the account. Although she enquired about it, Hemanthi refused to disclose stating that everything was under control.

Finally, Nilanthi discovered that Hemanthi had withdrawn some money from the account and has used it to pay her son's school fees.

Support your answer with the relevant statutory provisions and case law.

(10 Marks)

7. "Even if not being acquitted as innocent, a convicted person may obtain reduced sentence through a plea of mitigation".

Discuss the above statement with reference to the mitigatory pleas attached to Section 294 of the Penal Code of Sri Lanka.

(20 Marks)

8. Write short notes on **any two (02)** of the following topics.

- (a). Strict Liability
- (b). Extortion
- (c). Admissibility and Relevancy
- (d). Rape

(10x2= 20 Marks)

****All Rights Reserved****