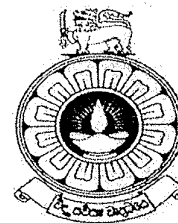


THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB (HONS) DEGREE PROGRAMME- LEVEL 4
FINAL EXAMINATION- 2023/2024
LLU 4608 CRIMINAL LAW
DURATION- 3 HOURS



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 order to maintain security, peace, and justice in a democratic state, it is essential to have a robust legal framework for criminal justice administration."

Do you agree with the above statement?

Critically evaluate the roles and responsibilities of key institutions within the criminal justice administration system of Sri Lanka.

Support your answer with the relevant statutory provisions and examples.

(20 Marks)

2. David, a grade six student boarded the train leaving Galle at 9.30 a.m. with his mother Rosy to attend a bookfair. On the train as they did not have a seat next to each other, they sat in two separate seats away from each other. After a while, David heard Rosy screaming for help. When David rushed to there, he saw a man trying to snatch Rosy's gold chain by pointing a knife at her neck. Rosy hit him with the bag in her hand and he slid off and got injured his head. But he got up again with the knife and ran towards Rosy. David who was afraid of it, took an iron bar from there and hit him on the head. After the incident, David was also seriously injured and unconscious. After being taken to the hospital, a doctor recommended that he should be taken up for emergency surgery. Without Rosy's permission, the doctor performed a surgery on David and surgically removed one of his legs. The man who tried to steal the gold chain died a few hours later.

Discuss the general exceptions available to David, Rosy and doctor in the above factual situation.

Support your answer with case law and statutory provisions. (20 Marks)

3. "The qualitative difference between the culpable homicide and murder lies in the *mens rea* of both offences. Accordingly, the gradation of the different elements of the intention and knowledge of both offenses and the probability of occurring the death by the act of the accused person make the substantial difference between both offences."

Do you agree with the above statement?

Answer the following questions.

(a) Explain briefly the classifications of homicide. (5 Marks)

(b) Compare and contrast the different limbs of the *mens rea* of the culpable homicide and murder.

(15 Marks)

4. Danny is a wealthy businessman who owns a chain of textile stores in the city and outstations. He employed a large number of staff both in the city store and the outlets. His son, a 13-year-old boy studies at a popular school in the city. Usually, he goes to school by using public transport service.

One day, Danny received a telephone call, and the caller threatened him, stating that unless he gives him one million rupees, he would abduct his son on his way home from school. Also, the caller strictly warned him not to inform the police and otherwise the life of the son would be in danger.

Considering the safety of son, Danny quietly arranged to send one million rupees to the caller through one of his trusted staff member Lal. As the caller informed, Lal handed over the bag containing the money to an agent of the unknown caller. Lal recognized the unknown caller's agent as a famous thug named Rana in that locality.

Danny wishes to know whether any offense that the unknown caller and his agent have committed in the above circumstances.

Advise him.

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

(20 Marks)

5. Consider the following scenarios;

(a) Piyal is a storekeeper of a textile shop owned by Sunil. Sunil went on a two-week overseas vacation. Piyal was entrusted with the responsibility of protecting the textiles and to deal with the transaction during his absence. He was also advised to accept the money from the buyers to whom Sunil has already delivered the textiles. On his return, Sunil discovered that Piyal has deposited some of the money received from buyers into his personal account violating the clauses in the agreement between Piyal and Sunil.

(10 Marks)

(b) Suresh is a final year law student in a reputed law school in Sri Lanka. When he is walking up to the school he found a wallet containing fifty thousand rupees. Having picked up the wallet, he visited a near-by restaurant with a group of his friends and spent twenty-five thousand rupees for lunch. When one of his friends questioned about spending the money, that he found from the road, his argument was that he has not committed any offence as he did not steal the wallet from anyone.

Support your answer with the relevant statutory provisions and case law. **(10 Marks)**

6. "The robbery is a composite offence which includes both theft and extortion."

Do you agree with the above statement?

Discuss.

(20 Marks)

7. One day, Nilmini, a 15-year-old student was on her way home from the tuition class. On the way she met her boyfriend Suren who is a 20-year-old youth with whom she has a love affair for more than two years. He invited her to a restaurant to have supper for which she agreed. While she was going through the menu Suren offered her a glass of fruit juice. When she enquired, Suren said that it was purchased from a near-by juice shop, and it was specially made for her flavor.

After taking the fruit juice Nilmini became tipsy. Having supper with her, Suren took her to a near-by hotel saying that she needs a brief rest. Nilmini agreed to go to the hotel with Suren. In the hotel, Suren started fondling her for which Nilmini did not show any objection. After sometime Suren engaged in sexual intercourse with her.

On returning home, she disclosed to her mother everything that happened in the hotel and said that she was totally unaware of what happened when she had a nap in the hotel. However, when she was examined by the family doctor, he informed to Nilmini's mother that she has been raped.

On a complain made to the police against Suren , his argument is that Nilmini gave the consent to all what happened in the hotel.

Discuss the above factual situation in the light of the new rape law as amended by Penal Code (Amendment) Act No 22 of 1995.

(20 Marks)

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

- (a) Insanity
- (b) Necessity
- (c) Accident
- (d) Mitigatory pleas attached to the Section 294 of the Penal Code

(20 Marks)

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