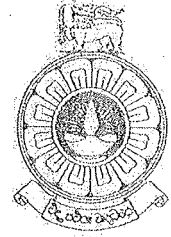


THE OPEN UNIVERSITY OF SRI LANKA  
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
 DEPARTMENT OF LEGAL STUDIES  
 LLB DEGREE PROGRAMME- LEVEL 4  
 CONTINUOUS ASSESSMENT TEST I - 2022/2023  
 LLU4806/LWU2312 – CRIMINAL LAW  
 DURATION- 1 HOUR



DATE: 27<sup>th</sup> September 2023

TIME: 11.30 a.m. – 12.30 p.m.

Answer ONE (01) question only.

Candidates will be penalized for illegible handwriting.

1. “*Mens rea* is an essential ingredient of the offence with which the appellant was charged. The ordinance nowhere rules out the necessity, recognized in the general law, that the prosecution must prove this element beyond reasonable doubt”.

*Van der Hultes vs. Attorney General* (1989) 1 SLR 204 at 215

In light of the above statement ;

- (a) define the concepts of the ‘negligence’ and ‘recklessness’ as forms of the principle of *mens rea*.
- (b) explain how they are different from ‘intention’.

Support your answer with relevant case law and appropriate practical examples.

(20 Marks)

- 2 (a) “Witnesses may lie but circumstances speak for themselves”.

*Ashok Dhondiram Dhavale vs. The State of Maharashtra* (Crim. Appl No.904/ 2018)

In light of the above statement;

explain the difference between ‘direct evidence’ and ‘circumstantial evidence’. Support your answer with practical examples.

- (b) Explain in your own words, the following concepts.

(10 Marks)

- (i) Facts
- (ii) Confessions

(5x 2 = 10 Marks)

(Total Marks 10 + 10 = 20 )