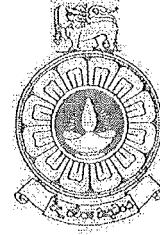


THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB DEGREE PROGRAMME- LEVEL 4
 CONTINUOUS ASSESSMENT TEST II - 2022/2023
 LLU4806/LWU2312 – CRIMINAL LAW
 DURATION- 1 HOUR



DATE: 2nd December 2023

TIME: 11.30 a.m. – 12.30 p.m.

Answer ONE (01) question only.

Candidates will be penalized for illegible handwriting.

1. There was a sudden wildfire in a small village called *Kirillawela*, resulting the surrounding paddy fields being badly burnt. In an attempt to douse the wildfire, a farmer named Saman cut down a few statutorily protected trees around the area. The villagers in the area criticized Saman as it was considered illegal to cut down statutorily protected trees without prior approval from the relevant state authorities. They went to the nearest police station and lodged a complaint against Saman.

In the meantime, another farmer named Ajith ran towards Saman and argued with him as to why he illegally cut down those valuable trees. At that point, Ajith picked up a club from the roadside and threatened to kill Saman. Then, Saman pushed Ajith aside and as result he fell down and hit his head on the ground causing severe injuries.

With reference to the above factual situation, answer following questions.

- (a) What is the most appropriate defence that Saman can use to claim exemption from criminal liability in a charge of cutting statutorily protected trees illegally. Discuss
- (b) What is the most appropriate defence that Saman can use to claim exemption from criminal liability in a charge of causing injuries to Ajith. Discuss

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

(20 Marks)

2. A few years back, Nirosha had a love affair with Channa. On one rainy day, she met Channa unexpectedly at an isolated place in the town. Channa demanded the jewellery that he had gifted to her during their love affair. Nirosha argued with Channa stating that she spent her own money for that jewellery. Then Channa shouted at her using filthy words and also threatened to kill her. After a while, Channa dragged Nirosha into a corner of the street and snatched the gold neckless that she was wearing and ran away. Nirosha made a complaint in the nearest police station regarding the incident.

In light of the above factual situation, discuss the culpability of Channa.

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

(20 Marks)