

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME

LEVEL 4

1st CONTINUOUS ASSESSMENT TEST 2008/2009

LWU 2312 - CRIMINAL LAW

DURATION . 40 MINUTES



.....
DATE : 02nd October 2008

TIME : 11.30 a.m. - 12.10 p.m.
.....

Answer one question only.

1. "There must be a direct causal link between the act which caused harm to the deceased and his death for criminal liability to arise:

Critically analyse this statement with reference to case law.

02. "The defence of necessity is similar to that of the defence of duress to a certain extent. In the case of duress the accused person is forced or completed to commit a crime by another person where as in case of necessity it is the circumstances or events (which may be sometimes caused by a human being) that compel him to cause harm.

Clarkson C.M.V and Keating M.M. Criminal Law Text and Materials, P.260.

In the light of the above statement explain the basic elements of the defence of necessity and the defence of duress.

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