



ශ්‍රී ලංකා විවෘත විශ්වවිද්‍යාලය
 නීතිවේදී උපාධි පාඨමාලාව - 4 වන මට්ටම
 අඛණ්ඩ ඇගයීම් පරීක්ෂණය I- 2010/2011
 අපරාධ නීතිය - LWU 2312
 කාලය විනාඩි 40 යි.

දිනය - 2010 සැප්තැම්බර් 29 වන දින වේලාව - පෙ.ව.11.00 පෙ.ව.11.40 දක්වා

එක් ප්‍රශ්නයකට පමණක් පිළිතුරු සපයන්න.
 අපහැදිලි අත්අකුරු සඳහා ලකුණු අඩු කරනු ලැබේ.

01. “ඉංග්‍රීසි නීතිය, පොදු නීති අපරාධ වලින් ව්‍යවස්ථාපිත අපරාධ වෙන්කොට දක්වා ලිහිල් ලෙස අර්ථ නිරූපිත තහනම් කිරීම් අඩංගු සමහර විශේෂිත ව්‍යවස්ථා සම්බන්ධයෙන් සාමාන්‍ය මනසකින් තොරවීමේ ආයාචනය ක්‍රියාත්මක වීම වළක්වා ඇත. අපගේ නීතිය එවැනි වෙන් කොට දැක්වීමක් නොදකී.”
 සුප්‍රසිද්ධ විනිසුරුතුමා ගුණසේකර එ. ඩයස් බණ්ඩාරනායක (1936) 39 න.නී.ව.17 හිදී 18 පිටුවේ දී.

ඉහත දැක්වෙන ප්‍රකාශය අනුසාරයෙන් ශ්‍රී ලංකාවේ සාපරාධී වගකීම ස්ථාපිත කිරීමෙහි ලා සාමාන්‍ය මනස සංකල්පයෙහි අදාලභවය සාකච්ඡා කරන්න.

අදාළ වන ව්‍යවස්ථාපිත ප්‍රතිපාදන හා නඩු තීරණ නීතිය අදාළ කරගනිමින් ඔබගේ පිළිතුර තහවුරු කරන්න.

02. ඩේවිඩ්, තමාගේ දරුණු කාලීන වදවීමක් වූ පිටර් ට වෙඩි තබා මරා දැමීමේ චේතනාවෙන් තම මෝටර් රථයෙන් පිටත් වී යයි. ගමන අතරමග දී අපරික්ෂාකාරී ලෙස මාර්ගයට අවතීර්ණ වූ මඟියකු ඩේවිඩ් ගේ මෝටර් රථයට අහම්බෙන් යට වී මරණයට පත්වේ. පසුව හෙළිදරව් වන්නේ ඩේවිඩ්ගේ රථයට අහම්බෙන් යට වී මරණයට පත් වූ මඟියා ඇත්ත වශයෙන් ම පිටර් බවයි.

ඉහත දැක්වෙන සිද්ධියෙහි සාමාන්‍ය මනස හා සාමාන්‍ය ක්‍රියාව අතර කාරණාව දාමය නොබිඳී පවතින්නේ ද? යෝග්‍ය විනිශ්චිත නඩු තීරණ හා උචිත උදාහරණයන් අනුසාරයෙන් සාකච්ඡා කරන්න.

- නිමකම් ඇවිරිණි. -

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME – LEVEL 4

1st CONTINUOUS ASSIGNMENT TEST 2010/2011

CRIMINAL LAW – LWU 2312

DURATION - 40 MINUTES



Date: 29th September 2010

Time: 11.00 a.m. -11.40 a.m.

Students will be penalized for illegible handwriting

Answer **ONE** question only

1. "The English law drew a distinction between common law crimes and statutory crimes and made the plea of absence of *mens rea* inoperative in the case of certain exceptional enactments containing prohibitions which are interpreted unqualified. Our law knows no such distinction."

Soertsz J in Gunasekera Vs Dias Bandaranayake (1936) 39 NLR 17, at p. 18.

In the light of the above statement, discuss the applicability of *mens rea* for the establishment of criminal liability in Sri Lanka. Support your answer with the relevant statutory provisions and case law.

2. David sets off in his car with the intention to shoot Peter, his long time rival, to death. On the way David accidentally runs over and kills a pedestrian who steps into the road carelessly. It is subsequently discovered that the pedestrian he has accidentally killed is in fact Peter.

Does the causal link between *actus reus* and *mens rea* remain unbroken in the above situation? Discuss with reference to relevant case law and suitable examples.

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இலங்கைத் திறந்த பல்கலைக்கழகம்
சட்டமாணிப் பட்டப்படிப்புத் திட்டம்
மட்டம் 04 – 2010/2011
LWU 2312 – குற்றவியல் சட்டம்
தொடர் மதிப்பீட்டுப் பரீட்சை - 1
காலம்: 40 நிமிடங்கள்



திகதி: 29.09.2010

நேரம்: மு.ப 11.00 – மு.ப 11.40

ஒரு வினாவிற்கு மாத்திரம் விடை தருக.
தெளிவற்ற கையெழுத்துக்களுக்கு புள்ளிகள் குறைக்கப்படும்.

01. “ஆங்கிலச்சட்டமானது பொதுச்சட்ட குற்றங்கள் மற்றும் நியதிச்சட்ட குற்றங்கள் என்பவற்றுக்கிடையேயான வேறுபாட்டைக் காட்டுவதோடு சில விதிவிலக்கான காப்புவாசங்களை கொண்டிருக்கும் சட்ட ஏற்பாடுகளின் விடயத்தில் குற்றமனமின்மை எனும் ஏதுவினை செயலற்றதாக்கி அவை தகுதியற்றவையாக பொருள்கோடல் செய்யப்படுகின்றன. எமது சட்டமானது அத்தகைய வேறுபாட்டை அறியமாட்டாது.”

Soertsz J in *Gunasekara Vs Dias Bandaranayake*(1936) 39 NLR 17, at P.18

மேற்காப்பட்ட கூற்றின் பின்னணியில் இலங்கையில் குற்றப்பொறுப்புடைமையை ஸ்தாபிப்பதில் குற்றமனத்தின் ஏற்புடைமையை ஆராய்க. உமது விடையை தொடர்புடைய நியதிச்சட்ட பிரிவுகள் மற்றும் தீர்ப்புச் சட்டத்துடன் ஆதாரப்படுத்துக.

02. டேவிட் தனது நீண்ட நாள் எதிரியான பீட்டரை சுட்டுக்கொல்லும் எண்ணத்துடன் தனது மோட்டார் வாகனத்தில் புறப்பட்டான். செல்லும் வழியில் கவனயீனமாக பாதையை கடக்க முற்பட்ட பாதசாரி மீது டேவிட் மோட்டார் வாகனத்தைச் செலுத்தி விபத்தினூடாக அவனைக் கொல்கிறான். அவன் விபத்தினூடாக கொன்ற பாதசாரி பீட்டர் என்பது இறுதியில் கண்டறியப்பட்டது.

மேற்காப்பட்ட சூழ்நிலையில் குற்றமனதிற்கும் குற்ற செயலிற்கும் இடையேயான அமையத்தொடர்பு முறிவடையாமல் இருக்கின்றதா? சம்மந்தப்பட்ட தீர்ப்புச்சட்டம் மற்றும் பொருத்தமான உதாரணங்களுடன் ஆராய்க.

(பதிப்புரிமை பெற்றது)