

BINDURA UNIVERSITY OF SCIENCE EDUCATION
FACULTY OF COMMERCE
DEPARTMENT OF INTELLIGENCE AND SECURITY STUDIES
BACHELOR OF BUSINESS ADMINISTRATION (HONOURS) IN POLICE AND
SECURITY STUDIES
PS 101: CRIMINAL LAW
Duration: 3 hours (100 marks)

MAR 2024

INSTRUCTIONS TO CANDIDATES

1. Answer **5 (five)** questions.
2. This paper contains 7 questions.
3. Section A contains 1 compulsory Question (**Question 1**)
4. Section B contains 1 Compulsory Question (**Question 4**)
5. Each question carries 20 marks.
6. Cell phones are not allowed into the examination room.
7. Begin each fresh answer on a new page.
8. Credit shall be given for referring to case law, statutes or any other authorities wherever possible.

Section A

QUESTION 1 (COMPULSORY)

- a) Explain why the criminal law lays down that a soldier or police officer cannot rely upon the defence of superior orders when the order he or she has obeyed is manifestly or palpably illegal. (10)
- b) Should a person be able to escape liability for a crime of intention if he is genuinely ignorant of the law or makes a genuine mistake about the law? (10)

[Total 20 marks]

QUESTION 2

Zvanyanya Zvese is a resident of Dotito area. He had an argument with his neighbour Zvekare Munda on 30 May 2021. In the heat of the argument, he struck Zvekare Munda with an iron bar leading to his death. He was arrested and arraigned before Mt Darwin Magistrates Court. The presiding Magistrate told him that he was guilty and there was no need for the Prosecutor to lead evidence. He further stated that Zvanyanya did not have any defence to the charge. He was sentenced to death without further ado.

- (a) With the aid of relevant legislation explain in detail the legal issues arising from the facts. (10)
- (b) Discuss the circumstances in which a person may be held criminally liable for an omission. (10)

[Total 20 marks]

QUESTION 3

Explain the following terms as they are used in the Zimbabwean Criminal Jurisprudence

- a) *Actus reus* (5)
- b) *Mens reus* (5)
- c) Omission (5)
- d) Strict Liability (5)

[Total 20 marks]

Section B

QUESTION 4 (compulsory)

On 10 January 2021, Mr Sadza arrived home from work. He found his wife Tarisai and Mr Muriwo sleeping in the bedroom. Mr Muriwo is Mr Sadza's friend. In a fit of rage, Mr Sadza grabbed a knife and stabbed Mr Muriwo on the neck. He succumbed to the stab wounds. After realising that he had committed a serious offence, Mr Sadza proceeded to Zvangu's homestead who is his sister. Upon arrival, he informed her that he had killed Mr Muriwo. In a bid to evade arrest, Zvangu allowed Mr Sadza to hide in her granary. During the evening the police arrived at Zvangu's homestead looking for Mr Sadza. They identified themselves and informed her of the purpose of their visit. In response Zvangu vehemently denied knowledge of the whereabouts of her brother. When members of the police were about to leave, Zvangu's 18 year old son revealed to the police that Mr Sadza was in the granary. Zvangu and Mr Sadza were subsequently arrested.

- a) State and discuss the defence that Mr Sadza can raise on a charge of murder. (10)
- b) Assuming you are the Prosecutor in this case, what charge would you prefer against Zvangu. Justify your answer by discussing the essential elements of that charge. (10)

[Total 20 Marks]

QUESTION 5

The law provides that a person can take reasonable steps to defend themselves against an unlawful attack. With the aid of case law and relevant legislation, discuss the requirements of self defence. [20 marks]

QUESTION 6

a) The law provides Bestiality and Sodomy are sexual crimes against morality. Explain the essential ingredients of each of the two offences. (10)

b) Explain the concept of presumption of innocence and burden of proof in criminal cases. (10)

[Total 20 marks]

QUESTION 7

a) The crime of rape is only committed when a man who is a complete stranger to the victim has sexual intercourse with the woman without her consent after using brutal physical force to overcome resistance of the victim? Discuss. (10)

b) Why does our law treat the defence of involuntary intoxication differently from the defence of voluntary intoxication? (10)

[Total 20 Marks]

END OF EXAMINATION PAPER