



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW AND LEGAL SERVICES

PRIVATE LAW DEPARTMENT

EXAMINATION PAPER

MODULE CODE : LLB122
MODULE TITLE : CRIMINAL LAW
DURATION : 3 HOURS
LEVEL : 1:2
DATE : 11 FEB 2025

INSTRUCTIONS TO CANDIDATES:

Answer Four (4) questions, any Two (2) questions from each section.

Each question from Section (A) carries fifteen (15) marks and each from Section (B) carries twenty (20) marks.

Number of marks for part questions are shown in brackets

Start each question on a new page

This paper consists of for (4) pages

Answer sheets are provided

Section A

Question 1

- a) Explain the meaning of the thin skill rule and its legal position in Zimbabwe. [4 Marks]
- c) Define a strict liability crime and give 2 examples of such crimes in the Criminal Law Codification and Reform Act, [Chapter 9:23] [4 Marks]
- d) State and explain 3 main reasons behind the codification of Zimbabwean criminal law. [3 Marks]
- e) *“Anyone who engages in any activity which the Government deems to be undesirable shall be guilty of a criminal offence and shall be liable to such punishment as the court deems appropriate”*

Evaluate the validity of the offences in relation to the principle of legality.

[4 Marks]

Question 2

- a) Identify four circumstance where an omission may result in criminal liability. [4 Marks]
- b) Briefly discuss the jurisdiction of the Magistrates Court in relation to the following:
- i) territorial jurisdiction
 - ii) Punitive jurisdiction
- [6 marks]
- c) i) What is meant by a competent verdict in criminal law? [2 Marks]
- ii) Name any one competent verdict for each of the following offences:
- a) Murder;
 - b) Theft and;
 - c) aggravated indecent assault

[3 Marks]

Question 3

- a) Section 48(2) (d) of the Constitution exempts certain categories of people from the death penalty. Name them. [5 marks]
- b) Explain the circumstances under which involuntary intoxication can be a valid defense to a:
- i) Subjective crime, and

ii) objective crime

[4 Marks]

c) Distinguish the following

i) perpetrator from co-perpetrator

[2 Marks]

ii) mens rea and Actus reus, and

[2 Marks]

iii) the crime of theft and unauthorized borrowing

[2 Marks]

Section B

Question 4

a) As a prank, Peter aged 17 years, throws a fire cracker into the middle of a large herd of cattle belonging to Mr. Dube in order to frighten them. The resultant explosion causes the cattle to stampede. During the stampede, one of Mr. Dube's dairy cows falls into a nearby ravine and dies. During Peter's trial for malicious damage to property, evidence is led which the court accepts, that Peter is very immature for his age and is somewhat mentally abnormal and that he displays a tendency to act without thinking about the consequences of his actions.

i) Peter has been charged with malicious damage to property. Discuss whether Peter be convicted of malicious damage to property?

ii) Would your answer be any different if Peter is mentally sound for his age?

[10 Marks]

b) The Bako Hakata sect believed that members of their community who have died as a result of "the holy water" are reincarnated in the form of evil spirits and that if any member of the sect, sees such an evil spirit, he himself will die. Timid, a member of the sect while not under the influence of drugs, thought that he saw one of the spirits materializing. In defense, he quickly drew out his gun and shot at it. It later turned out that the 'spirit' was in fact, Unfortunate, whom Timid had mistaken form an evil spirit in the dark.

Assess Timid's defense to:

i) a charge of murder, and,

ii) a charge of culpable homicide?

[10 Marks]

Question 5

Mr. Moyo works for Maritzburg Municipality as a housing officer. There is an acute shortage of accommodation in Maritzburg and many people have been on the waiting list doing as far back as 2002. Mrs. Desperate is a beautiful lady whose husband recently died leaving her with 2 children. Last month, Mrs. Desperate approached Mr. Moyo in his office seeking accommodation and Mr. Moyo allocated her a house after she had personally paid him \$300.00 to facilitate the allocation. Barely 2 weeks after Mr. Moyo had allocated her a house, he went to Mrs. Desperate's house and

started demanding sexual favors from her, threatening that if she refuses, then he will withdraw the offer and evict her from the house. Mrs Desperate reluctantly consented to have sexual intercourse with him. Two weeks later, she discovered that Mr Moyo had infected her with syphilis. When she confronted him over the issue, he told her that he was well aware of his position and would not assist her with treatment. He also verbally abused her. Influenced by this, Mrs. Desperate picked a kitchen knife and stabbed him twice on the chest. Mr. Moyo however, survived the attack. Upon arrest, Mrs. Desperate gave a statement to the effect that she did not intentionally stab him but had lost self-control.

Discuss the crimes, if any, that Mr. Moyo and Mrs. Desperate committed?

[20 Marks]

Question 6

Betty a girl aged 12 years agrees to have sexual intercourse with David, who is aged 17 years after he promises that if she sleeps with him, he will marry her. David then has unprotected sex with Betty, knowing that he has a sexually transmitted disease (STI). He infects Betty with an STI and also impregnates her. Betty finds out she is pregnant and that she has an STI. David refuses to marry her.

Betty is now desperate and both her parents are late. She has been working as a domestic worker for Mrs. Chibhanzi, who is aged 52 years. Betty tells Mrs. Chibhanzi what has happened. Chibhanzi tells Betty that she must get rid of the baby. Mrs. Chibhanzi obtains some medication from herbalist, Sekuru J.J which he says will induce an abortion. She gives the medicine to Betty, telling her that this medicine will cause her to abort. Betty takes the medicine; however, the medicine fails to induce an abortion and Mrs. Chibhanzi strongly advises Betty to give birth in a secret place and immediately thereafter kill this child by burying it alive. As the time to give birth arrived, Betty becomes more and more agitated. When she goes into labour, she goes to a nearby field, delivers the baby and straight away acts upon Mrs. Chibhanzi's advice by burying the child alive. The baby dies of suffocation.

Discuss the criminal liability of David, Betty, Sekuru J.J and Mrs. Chibhanzi?

[20 Marks]

[end of examination]