



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 :

24 NOV 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 three (3) pages

Answer sheets are provided

Section A

Question 1

- a) Examine the rationale for the codification of criminal law in Zimbabwe. **[5 Marks]**
- b) Discuss 4 circumstances where an omission may result in criminal liability **[5 Marks]**
- c) Under which circumstances does the burden of proof shift from the state to the accused person **[5 Marks]**
- d) With the aid of relevant legislation and case law under what circumstances would involuntary intoxication be a valid defence to
- i) subjective crime **[5 Marks]**
- ii) objective crime **[5 Marks]**

Question 2

a) Giving reference to case law, discuss 6 (six) instances when it is assumed that a person has a legal duty to act positively. **[10 Marks]**

b) Assume that the Zimbabwean Parliament passes a statute in 2025 which contains the following provisions;

“Any person who commits an act which could possibly be prejudicial to sound relations between people is guilty of a crime. This provision is deemed to have come into operation on 2 January 2025.”

Discuss the extent to which this provision complies with the principle of legality.

[10 Marks]

- a) Discuss the jurisdiction of the Magistrates Court Act (Chapter 7:10) in criminal matters under the following heading
- i) Territorial jurisdiction and punitive jurisdiction **[5 Marks]**

Question 3

- a) Discuss the meaning of the following expressions
- i) Inchoate crime **[3 Marks]**
- ii) Partial defense **[3 Marks]**
- iii) Defense of necessity **[3 Marks]**
- b) Briefly discuss the (4) four legal requirements for the crime of infanticide **[3 Marks]**
- c) Using essential elements of each offence, compare and contrast the crime of Unauthorized borrowing and theft. **[3 Marks]**

- d) Using specific provisions of the **Lancaster House Constitution** and the **Constitution of Zimbabwe Amendment (No.20) Act 2013**, demonstrate how the 2013 Constitution has widened pre-trial rights of accused persons. **[10 Marks]**

Section B

Question 4

Britney is a 12 year old girl. Her father works as a plumber at a railway station in Britzburg. Britney has developed a passion for locomotives and during weekends, she works as a volunteer at the station operating gates at one of the railway crossings. Her job involves opening gates when safe to do so and closing them when trains approach. One day, Britney gets annoyed that no one had brought her lunch as usual and in a fit of anger, left the gates open and rushed to a nearby kiosk to buy food. Unfortunately, Unfortunate a young boy, aged 4 ran across the track as a train approached and was hit by the train injuring him in the process. It later turned out that Reckless, Unfortunate's mother, did not notice him going to the gate as she was busy with her make up. Beauty who lives next door to Reckless, had seen the child approaching the train but failed to shout a warning. Unfortunate is quickly taken to hospital and put on life support. Whilst in hospital, Mr. Sibanda, a medical doctor, disconnected the system two weeks later arguing that Unfortunate was now in a coma with no hope of recovery. Unfortunate died within hours.

Discuss the criminal liability of Britney, Reckless, Beauty and Mr. Sibanda in the circumstances.

[25 Marks]

Question 5

In each of the following scenarios, use relevant principles of criminal law and provisions of the Criminal Law Codification and Reform Act (Chapter 9:23),

Discuss whether the decision by court is correct.

- a) Mr Godknows hates Mr Zulu, his neighbor. One day, Mr Godknows saw Mr Zulu entering his house and he noticed that Mr Zulu had left his key in the keyhole on the outside. He rushed across to Mr Zulu's house, slammed the door shut and quickly locked the door. Mr Zulu shouted for Mr Godknows to open the door but he refused to do so. He told Mr Zulu that he will keep him locked up in his own house to punish him for all the wrongs he had done to him. Three hours later, he unlocked the door and later Mr Zulu reported the matter to the police leading to Mr Godknows's arrest and who was subsequently charged with kidnapping. The magistrate however acquitted him of this charge finding that the interference with liberty was not substantial and that, in any event, there had been no demand for payment for his release.

[10 Marks]

- b) Mr Unfortunate is waiting at a bus stop intending to board a bus to South Africa. He puts his briefcase on the ground. John Nhubu sees the briefcase and grabs it and starts to run away carrying it. Mr Unfortunate sees that John has taken away his briefcase and runs after him in order to recover the briefcase. After a short chase, he catches up with John who pulls out a knife and stabs him on the arm. John is then able to run away with the stolen briefcase. John is later apprehended and charged with robbery. The Magistrate however, acquits him finding that since the violence occurred after the taking of the briefcase, it was not robbery, instead, the Magistrate finds him guilty of theft and assault. **[10 Marks]**
- c) What steps must an accomplice take in order to withdraw from a criminal enterprise which is in the process of being implemented so as not to be held liable for what is done by the principal. **[5 Marks]**

Question 6

Mr Dube's daughter, Susan, aged fifteen has been living with John as a live in girlfriend for six months. Subsequently, Susan became pregnant. Mr Dube as a devoted Christian strongly disapproved of Susan's relationship. He had previously refused to visit Susan ever since she started living with John. Mr Dube subsequently visited Susan when she was about to give birth. Upon arrival John was away on a business trip. He found Susan in a dreadful state. It was quite apparent that she was extremely sick and there were grave complications with her pregnancy. Mr Dube had a strong belief that Susan's complication was an act of God's punishment for her sinful relationship with John. He advised Susan to pray to God for forgiveness. Susan begged her father to fetch a doctor or assist her to go to hospital but Mr Dube refused. Twenty minutes later, Mrs Ncube, a nurse by profession passed by and saw Susan in great pain. She however, refused to render assistance insisting that she did not want to be involved in people's domestic affairs. Since Susan's place of residence was located in a remote place and the nearest neighbors were far away. Susan was unable to summon for help and she died. Medical evidence produced by the police indicated that the cause of death was in the delay of seeking medical assistance.

Discuss the criminal liability of Mr Dube and Mrs Ncube.

[25 Marks]

[end of examination]

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