



MZUMBE UNIVERSITY
(CHUO KIKUU MZUMBE)
(Mbeya Campus College)

End of Semester One Examinations, February, 2014

Subject Code:	LAW 122
Subject Name:	Criminal Law
Class:	LLB I
Date:	07/02/2014
Time:	0830 - 1130

INSTRUCTIONS:

1. There are **SIX** questions in this paper. Attempt any **FOUR** Questions.
2. This is a partly open book examination. Candidates may enter the examination room with **CLEAN** copies of Penal code (CAP 16 R.E 2002) and other relevant statutes
3. Support your answers with relevant authorities.
4. All questions carry equal marks.

QUESTION ONE

Juma and Ally agreed to pick the pockets of a person they saw at a distance, standing alone at a bus stop. Juma attracted the attention of people when Ally put his hand in the man's coat pockets. The pockets were empty. Ally, being angered and frustrated, took out a knife (the existence of which had been unknown to Juma) and threw it away in the direction of a crowd standing outside a club. The knife hit a boy and injured him. Juma and Ally ran off.

Discuss their criminal liability.

(25 Marks).

QUESTION TWO

(a) Briefly discuss the main ingredients of the offence of theft

(12.5 Marks)

(b) "...where an accused is found in possession of stolen property shortly after the commission of the offence of housebreaking, it can be presumed that in the absence of a probable explanation, he came into possession of it either through house-breaking and stealing or receiving it knowing it to have been stolen or unlawfully obtained"

Per Justice El-Kindy (as he then was) in **Saidi Mkuyu V.R (1972) HCD 41**

Discuss the above statement in the light of the doctrine of recent possession

(12.5 Marks)

QUESTION THREE

Juma, aged twenty years old, hitched a lift home and was picked by Gloria, a seventeen years old girl. They stopped at Mbeya City pub for a few drinks and having resumed their journey, Juma persuaded Gloria to stop the car for sexual intercourse. While participating, Gloria changed her mind asking Juma to withdraw but Juma continued despite of resistance from Gloria. Juma gave Gloria pregnancy and venereal disease.

Advise Juma about what crimes have been committed

(25 Marks)

QUESTION FOUR

What offence(s) have Mawala committed in the following cases?

- (a) Mawala rapes Cecy. Cecy is outraged and commits suicide (5 Marks)
- (b) Mawala wounds Izera., a 17 years old girl. Izera's parents are Jehovah Witnesses and they prevent Izera from receiving blood transfusion. In consequence Izera dies. (5 Marks)
- (c) **Mawala wounds Hamisi. Hamisi does not trust doctors and believes in self-medication. He takes** a large quantity of drug which kills him. What if the large quantity of the drug was wrongly prescribed by a qualified doctor? (10 Marks)
- (d) Anania has HIV/AIDS. Anania requests Mawala to shorten his life. Mawala agrees to shorten his friend's suffering. He gives Anania some KMQM(kill me quick mixture). Anania dies (5 Marks)

QUESTION FIVE

"Strict liability must be retained. It provides social benefits which would not be obtained through any of the supposed alternatives to it and the injustice caused by it is often exaggerated"

Critically discuss the above statement (25 Marks)

QUESTION SIX

Write short but comprehensive notes on the following:-

- (i) Voluntary and involuntary manslaughter (5 Marks)
- (ii) Actus non facit reum nisi mens sit rea (10 Marks)
- (iii) Unnatural offence and incest (10 Marks)