

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

MASTER OF LAWS DEGREE EXAMINATION – 2016/2017

CRIMINAL JUSTICE

(Three Hours)

Total Number of Questions: **04**

Answer **THREE** questions only selecting question No. **ONE** and any other **Two** questions.

(Candidates will be penalized for illegible handwriting.)

1. Rohan, 35 year old clerk in a private firm, was indicted in the Kandy High Court for the offences of robbery of Rs. 500,000/= from a young female employee of the same firm and raping her. Rohan was arrested by the police following a complaint made by the parents of the victim. Rohan in his statement while he was in police custody admitted that he committed a sexual assault on an old woman five years ago. Rohan also told the police that he has committed sexual assaults on children on many occasions. He further told the police that he lured poor children promising them money for posing for photographs and took them to his house for engaging in sexual activities with them either after drugged them or threatened them with serious physical harm. Police has recovered obscene photographs from his house during their search of it. They also found out that his parents were divorced when he was 10 year old and thereafter he had lived with his aunt who was a known

prostitute. It was also revealed that he became addicted to alcohol at the age of 15. When he was living with his aunt, Rohan was charged with delinquent behavior, including shoplifting and placed on probation for a period of three years. However, he escaped from the probation centre before completing the prescribed period. At the trial, the defence counsel claimed that Rohan has been suffering from depression since his early childhood. However, the prosecution successfully rebutted the defence and proved his case. The trial judge imposed ten years rigorous imprisonment and Rs. 100,000/= fine and ordered Rs. 20,000/= compensation to be paid to the victim as compensation.

How do you view the sentence of the trial judge in the context of your understanding of the criminal justice system of Sri Lanka? Discuss with special reference to classical school of crime causation. Your answer should draw attention to the relevant sentencing policies suitable to Sri Lanka.

(40 marks)

2. 'An effective criminal justice system should ensure the protection of the rights of the suspect/accused and victim of a crime, demonstrating a fair balance between the rights of both parties in a criminal case. However, the present criminal justice process in Sri Lanka very much leans to the side of the suspect/accused while ignoring the interests of the other side. As a result, the fairness of the criminal justice system becomes less trustworthy in the eyes of the public and the question remains whether the primary objectives of criminal justice would be really achieved in such a situation.'

Do you agree? Discuss with the support of relevant statutory and case law authorities.

(30 marks)

3. 'In today's context, the objectives of criminal justice system has undergone tremendous change. In that, the focus is shifted from merely looking at commission of offences as breach of law to treating the root causes for such breach and the harm done to the victim. This approach inevitably leads to the process where penal sanction is being pushed to the secondary position'.

Discuss the above statement in light of the concept of restorative justice and related principles. Your answer should also have a discussion on the restorative justice mechanisms adopted by the criminal justice system of Sri Lanka.

(30 marks)

4. 'Law relating to juvenile justice focuses on the best interest of the child and the protection of their rights by adopting a separate judicial process to deal with juvenile delinquency issues by providing for distinct methods of punishments. However, the increased rate of juvenile criminality demonstrates the failure of the justice process in the country.'

Discuss the correctness of the above statement in light of the legal regime governing the justice system in Sri Lanka. Support your answer with relevant statutory and case law authorities.

(30 marks)
