

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR I (Online) – 2021
(REPEAT)
Criminal Law
(Three Hours)

Total Number of Questions: **06**

Answer **THREE (03)** questions and **no more.**
(Candidates will be penalized for illegible handwriting.)

1. Consider, giving reasons, whether Sena can be convicted for attempting to commit an offence under the law of Sri Lanka and the law of England:
 - (i) Sena, a musician, is found in the company of five children at his residence. Police said that parents have complained that their children are picked from school by Sena and he drops them back in the evening the same day and it happens often. Police is taking steps to frame charges against Sena for attempting to sexually harass children. Sena argues that he likes the company of the children who willfully come with him.
 - (ii) Sena goes to an electronic devices shop and inspects the mobile phones. One of the salesmen brings a new phone from the store and shows it to another customer and then packs it in the box. Sena slowly takes the box and puts it in his pocket. Sena goes out passing payment counter as if he has not purchased anything. While he approaches the entrance, the security guard who is watching the CCTV footages stops him and does a body search. The phone box is found inside his pocket, but there is nothing inside as Sena has picked an empty box in a rush.
 - (iii) Sena is found in a car park trying to insert a key in the key-hole of a car that is parked. He is arrested by the police on suspicion and investigations reveal that he does not own a car but had in his possession a bunch of car keys. He is charged for attempting to steal a car.

[30 + 30 + 40 = 100 marks]

2. Ajith became friendly with Anu over the *Facebook*. They planned to meet one day and go on a trip. Anu's brother Arun became suspicious over Anu's activities and he followed his sister. When he saw Anu trying to get in to an outstation bus along with Ajith, he confronted Ajith. In an altercation Arun pushed Ajith who fell on the footboard hitting his head. Ajith was rushed to the hospital and was given first aid and a rapid antigen test was performed for COVID 19. As Arun was tested positive, he was sent to the COVID 19 ward where he was treated for Covid 19 and his head injuries were neglected. Ajith died 4 days later due to infected head injuries. In the meantime, police investigations reveal that Arun was under the influence of prohibited drugs at the time of the incident.

Discuss the criminal liability of Ajith with reference to appropriate authorities.

[100 marks]

3. (i) Discuss the defences, if any, available to Mahesh under the following circumstances with reference to statutory provisions and case law:

(a) Mahesh was stopped by police while travelling in his motor bicycle during the period travelling is restricted due to COVID 19 pandemic. Mahesh stated the he was taking food delivery for a customer who threatened him to deliver the order within half an hour and he would report to the employer otherwise Mahesh said he obeyed to avoid to him losing the job.

[25 marks]

(b) Mahesh is awakened by a noise at mid night and he goes out with his large torch light. He sees a stranger near his poultry cage. He throws his touch light and the stranger's head is fractured as a result.

[25 marks]

- (i) Discuss the aspect of 'corroboration' as applied in rape cases in Sri Lanka.

[50 marks]

4. Consider the offences, if any committed by Kamal under the following circumstances. You are required to give reasons to your answer quoting appropriate authorities:

(i) Kamal sees a bicycle by the side of the road in his neighbourhood. Thinking that it is abandoned, he brings it home and uses it. In fact, the bicycle belongs a Sunil from the same neighbourhood and Sunil has left it on the road side when he was rushed to the COVID 19 treatment center.

- (ii) Kamal is paid a salary of Rs.50,000/- per month by his employer and it is credited to his bank account on the last day of each month. On 30th September an amount of Rs. 60,000/- has been credited due to a mistake on the part of the accountant of his employer. Kamal spends the entire amount.
- (iii) Kamal made a phone call to Sumathi and demanded a payment of five lacks to stop him forwarding a photograph of Sumathi with a boy to her parents. Sumathi delivered jewelry worth five lacks and demanded to delete all her photos from Kamal's phone. Kamal refused to do so and an altercation began as a result. Kamal squeezed Sumathi's neck, pushed her away and fled the scene.
- (iv) Kamal bought 5 original *Hp* brand computers and 5 low-quality computers. He took the original computers from the box and kept the low-quality ones in the *Hp* box and sold it to Sudath for the prize of original computers.

[25 X 4 + 100 marks]

5. The recognition to the doctrine of strict liability is the very acme of injustice in the criminal justice system.

Do you agree with the above statement? Give reasons for your answer with reference to the statutory provisions and cases decided in Sri Lanka and England.

[100 marks]

6. Vijaya was a teetotaler and he was invited by his friends for a party at a club in the town. Vijaya ordered a light alcoholic beverage. His friends, knowing that Vijaya does not consume hard liquor, deliberately mixed hard liquor in to Vijaya's drink. While Vijaya was consuming the third glass of the same drink, another customer who was in the club mistakenly spilt a drink on Vijaya's shirt and started shouting at Vijaya. Vijaya lost his temper and attacked the man with a bar stool thus injuring him severely. The man had to undergo a surgery on his head due to the injuries caused from the attack. A waiter on duty approached to stop the scuffle and Vijaya pushed him away.

Discuss the criminal liability of Vijaya with reference to relevant provisions of the Penal Code of Sri Lanka and decided cases.

[100 marks]