

**UGANDA MARTYRS UNIVERSITY
NKOZI**

**UNIVERSITY EXAMINATION
March 2022**

FACULTY OF LAW

**BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER ONE FINAL ASSESSMENT
ACADEMIC YEAR 2021/2022**

**FUNDAMENTALS OF CRIMINAL LAW
LLB 1103**

DATE: Wednesday, 2nd March, 2022

TIME: 9:30 AM– 1: 00 PM

DURATION: 3 & HALF HRS

Instructions:

1. This is a closed book exam. No materials are allowed in the exam room
2. Carefully read through ALL the questions before attempting. All questions carry equal marks.
3. This paper has 3 sections. Section A is compulsory. At least one question should be attempted from Sections B & C. A total of four questions should be answered in all.
4. No names should be written anywhere on the examination book.
5. Ensure that your Registration number is indicated on all pages of the examination answer booklet.
6. Ensure your work is clear and readable. Untidy work shall be penalized
7. Any type of examination malpractice will lead to automatic disqualification
8. Do not write anything on the questions paper.
9. Use the exam answer booklet for all your rough work.

SECTION A: COMPULSORY QUESTION

QUESTION 1 (25 MARKS)

Read the facts below and answer the questions that follow:

Kabumba was driving to Jinja on 24th December to celebrate the Christmas break with his family. Since he had been drinking a lot the previous night, he felt increasingly drowsy. He fell asleep at Namawojjolo Trading Centre and lost control of his car and crashed into a shop and trapped a young girl who had been left in the shop to take care of it. The girl was seriously injured. The crash woke Kabumba, who seeing the trapped girl decided not to move his car. Realising that many people were coming to see what had happened, he reversed very fast and drove away.

so insanity
- Intoxication
- Self-defence
- specific intent

Mugerwa who was in the next shop witnessed the event and was very upset by the occurrence. In his efforts to forget the memory of the injured girl; Mugerwa drank a bottle of Uganda Waragi alone and became very drunk. He stumbled into a guest house nearby and did not realise that he had dropped his cigarette on the conference hall carpet. The guest house caught fire and two cleaners died in the blaze. On realising this, Wandera, Kulubya and Kakoni agreed to deal with Mugerwa for the damage he had done to their guest house. They hatched a plan to kill him by waylaying him on his way back to his home. However, Kulubya developed cold feet and decided to ditch the plan but did not inform Wandera and Kakoni. Wandera and Kakoni decided that they would first take some 'marijuana and a local brew called tonto' in order to get the courage to carry out their sinister plan. The following day they hid in the bushes on Mugerwa's usual route waiting for him to pass by. However, one of the brothers of Mugerwa called Kasirye who resembled him passed by that same route and Wandera and Kakoni thinking it was Mugerwa, stabbed him (Kasirye) fatally that he died instantly. Wandera and Kakoni immediately run away after realising they had killed someone.

mistake of fact

conspiracy
conspiration

Katwesigye, Mugerwa, Wandera, Kulubya and Kakoni have been charged in Court.

a) Discuss the criminal liability of all the parties charged in court.

b) As a criminal lawyer discuss the defence(s) you will raise in court.

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- Balance of insanity
- Accident
- Mistake of fact
- Insanity

2
- Wandera and Kakoni
- Intoxication

Diminished responsibility

SECTION B

QUESTION 2

✓ Strict Liability and Vicarious Liability offences are contrary to the fundamental principles of Criminal Law. The imposition of criminal liability without reference to the state of mind of an accused person can never be justified.

Using clear authorities (statutory and case law), explain why and in what circumstances the courts recognise the existence of crimes of strict and vicarious liability. (25 marks)

QUESTION 3

✓ Using relevant statutory and / or case law write short notes on the following:

- a) Compulsion (5 marks)
- b) Diminished Responsibility (5 marks)
- c) Immunity (5 marks) - *R. 10/10*
- d) Self-induced Intoxication (5 marks) - *Judicial Diploma*
- e) Self-defence (5 marks) - *A. 8/10*

QUESTION 4

Discuss the criminal liability in the following statements

- a) Zebia sells alcohol to a 13-year-old child without the knowledge of Medard Rubare the owner of the bar and the boy gets drunk in the bar. (6 marks)
- b) Tumwesigye has sexual intercourse with a girl whom he believes to be 16 years old. The girl is infact 22 years. (7 marks)
- c) Eugene sees an umbrella and resolves to steal it. He takes it and carries it away and infact finds out that it is his own. (6 marks)

- d) Muhoozi who believes his wife Kanuunu to be alive goes through a ceremony of marriage with Karekye. Infact, Kanuunu was run over by a bus and killed 10 minutes before the ceremony. (6 marks).

SECTION C

QUESTION 5

- a) Using relevant authorities and examples, distinguish the defence of insanity from that of diminished responsibility under the Ugandan Penal Code Act. (15 marks)
- b) Intoxication is only a defence to crimes of specific intent and not those of a basic intent.
Discuss? (10 marks)

QUESTION 6

Mpagi a resident of Nkozi is stopped by boda boda men at the Uganda Martyrs University gate while riding a motorbike. He is accused of stealing their colleague's bike and later killing him. Magezi the group leader ^{-assault} slaps Mpagi and takes off his clothes. Musisi ^{-Aiding} rushes to the petrol station and buys a liter of petrol which he brings to Magezi who for all this time has been assaulting Mpagi. As a result, Mpagi is bleeding profusely and slowly losing his consciousness. Mukasa a marijuana smoker who has just returned from a ^{-Intoxication} dozing session arrives in a good time to give Magezi a matchbox which he used to set Mpagi on fire. By the time the police arrive Mpagi is dead and Magezi has been sneaked away from the scene by a fellow boda boda rider to his home where he narrates the whole ordeal to his wife.

As part of the Uganda Martyrs University Faculty of Law Community Outreach, you are told of these circumstances and discover that Magezi, Musisi and Mukasa have been apprehended and are now detained at the Nkozi Police Station.

- a) Advise all the parties on the criminal implications of their actions. (15marks)
- b) Are there any defences available to the parties? (10 marks)

Just

GOOD LUCK