INSTRUCTIONS TO CANDIDATES

1. This examination paper contains THREE (3) questions and comprises FOUR (4) printed pages, inclusive of this cover page.

2. Answer ANY TWO (2) questions only.

3. Each question counts for 50 marks, making a total of 100 marks for this examination paper.

4. Record the number of the questions attempted on the cover of your answer book.

5. This is an OPEN BOOK examination.
QUESTION ONE

Answer BOTH Sections 1 and 2.

Section 1

Beng, a millionaire, is kidnapped for ransom by a gang of notoriously violent criminals. To prevent his escape, the criminals inject a drug into Beng at regular intervals. The drug reduces him to a comatose state after fifteen minutes of its being administered. Shortly after one such injection, Beng sees an opportunity to escape and manages to get out onto the street without being detected. Beng believes that his best plan is to contact the police before the drug takes its full effect. On seeing Abu, a motorcyclist waiting for the red traffic lights to change, Beng rushes over and pushes him off the machine. Abu lands awkwardly on the road, breaks his neck and dies. Beng speeds off on the motorcycle to the sound of hot pursuit from the criminals who had by now discovered his absence. Beng manages to keep ahead of his pursuers by weaving in and out of traffic at high speed and shooting a red traffic light. Only a short distance from a police station, Beng’s intended destination, the effect of the drug finally causes him to lose control of the motorcycle. It crashes into and kills Kim, a pedestrian.

Discuss Beng’s criminal liability, if any, for the deaths of Abu and Kim.

(35 marks)

AND

Section 2

Select any ONE case from the following cases and state, providing reasons, whether or not you think it positively advanced the law and suggest improvements if thought necessary:

(i) *S Balakrishnan v PP* [2005] 4 SLR(R) 249
(ii) *Chua Kian Kok v PP* [1999] 1 SLR(R) 826

(15 marks)
QUESTION TWO

Answer BOTH Sections 1 and 2.

Section 1

Mok and Jiam are two local thugs who are hired by Alan, a jeweller, to repossess a valuable diamond which he lost to Mr Wong at a poker game. Mok says that he will carry an unloaded gun to intimidate anyone who opposes them. He borrows the gun from Alan. Mok, unknown to Jiam and Alan, later loads the gun.

Mok and Jiam also decide between themselves to take along their flick knives. They approach Foon to drive them to the Wongs' residence and to wait outside for them. Foon suspects that they plan to do something illegal and she prefers not to be involved. She eventually agrees only because Jiam has helped her out of financial difficulties in the past. However, Foon has second thoughts about assisting Mok and Jiam soon after they have entered the house. As a result, she shouts out to them: “I want no part of this,” and drives off to summon the police. Unfortunately, the police arrive at the Wongs' home only after the following events have occurred.

Mrs Wong, who is alone in the house, answers the doorbell. Mok threatens her with the gun but she is unaware of the whereabouts of the diamond. Mok and Jiam then search the whole house in vain for the diamond. When Mrs Wong tries to escape through the front door, Mok shoots and kills her.

Mok is convicted of robbery and murder. Discuss the criminal liability of Jiam, Alan and Foon for these offences.

(35 marks)

AND

Section 2

Select any ONE case from the following cases and state, providing reasons, whether or not you think it positively advanced the law and suggest improvements if thought necessary:-

(i) Roshdi v PP [1994] 3 SLR(R) 1
(ii) PP v Teo Eng Chan [1987] SLR(R) 567

(15 marks)
QUESTION THREE

Answer (a) or (b):

(a) "The defence of provocation under the Penal Code is both arbitrary and confusing and in need of major revision."

Discuss.

OR

(b) "The distinctions between the fault elements for murder and for culpable homicide not amounting to murder are too fine under our Penal Code."

Critically evaluate this comment with the help of case illustrations, and suggest proposals for reform of the law on this issue, if any.

(50 marks)

– End of Paper –