

05. a). Discuss the provisions of the Penal Code regarding the right of private defence illustrating examples. (10 marks)
- b). Explain the acts that are not covered under the right of private defence. (10 marks)
06. a). A credit note written by Dias in favour of Asiri to the value of Rs. 50,000/= is now in the possession of Asiri. With the intention of cheating Kasun who is a customer and to make Kasun to believe that it was done by Dias, Asiri added figure 1 in front and altered the value as Rs. 150,000/=. What is the criminal liability of Dias and Asiri? (10 marks)
- b). A case being heard in Courts on the charge that Sunil assaulted Vimal at 10.30 am on 20th March 2013. While giving evidence in courts under oaths Kamal who serves in Maradana Branch of National Finance Bank stated that Sunil came to his Bank and remained in the counter for depositing money from 10.00 am to 11.00 am notwithstanding the fact that he has not really come to the Bank. Explain the nature of the offence committed by Kamal in view of the provisions of Penal Code. (10 marks)
07. Explain the order in which the evidence is taken in a court procedure. (20 marks)
08. a). Kishan is a school boy whose date of birth was ¹⁹09.12.2002. Explain whether it is possible to prove that he has raped a young girl Dushani in terms of the provisions of Evidence Ordinance. (10 marks)
- b). Smithson Tire Company in Australia purchased natural rubber from Sakwithi Rubber Exports Company in Sri Lanka for a long period of time. A need has arisen to prove the handwritings of a letter are exactly of Ian Smith, the Managing Director of Smithson Tire Company. Hand written letters have been exchanged between P.Kariyawasam, the Marketing Manager of Sakwithi Company and Ian Smith of Smithson Tire Company for some time. The function of Jayantha, a Clerk of Kariyawasam was to go through the letters sent by Ian Smith carefully and file them. Samson is a Broker of Kariyawasam. Most of the letters sent by Ian Smith have been often presented to Samson by Kariyawasam to obtain advice. Kariyawasam, Jayantha or Samson has never seen Ian Smith writing letters. Explain whether the opinions of Kariyawasam Jayantha and Samson are relevant as evidence in a court case for determining the handwritings in the letter are exactly of Ian Smith. (10 marks)



SRI LANKA INSTITUTE OF DEVELOPMENT ADMINISTRATION

First Efficiency Bar Examination and Second Language Test for Officers in Sri Lanka Administrative Service , Sri Lanka Scientific Service , Sri Lanka Engineering Service , Sri Lanka Architectural Service 2013 (I)

Criminal Law and Evidence Law

Answer five (05) questions only. All questions carry equal marks.

01. Explain the following very briefly (in one or two sentences) considering the definitions given in the Evidence Ordinance.
- | | | |
|-----------------------|--------------|-------------------|
| a). Court | b). Fact | c). Fact in issue |
| d). Relevancy | e). Document | f). Admission |
| g). Confession | h). Estoppel | i). Not proved |
| j). Proved to be true | | (20 marks) |
02. In terms of the provisions of the Penal Code;
- a). Define “ theft”. (05 marks)
- b). Define “extortion”. (05 marks)
- c). Explain the instances where the theft becomes a robbery and extortion becomes a robbery. (10 marks)
03. a). Sirisena came in front of the neighboring house of Dayasena and abused him particularly using language to damage the character of his wife. Dayasena through uncontrollable anger purposely dragged the 08 year old son of Sirisena and killed him. Examine the criminal liability of Dayasena in terms of the Penal Code. (10 marks)
- b). Jagath abused and assaulted Vijith. Vijith was badly provoked by this incident. Sugath who was not in good terms with Jagath used this opportunity to take revenge and with the intention of killing Jagath gave a knife to the hands of Vijith. Vijith killed Jagath using the same knife. Examine the criminal liability of Vijith and Sugath. (10 marks)
04. In terms of the provisions of the Penal Code;
- a). What are the instances Considered to be ‘incest’? (10 marks)
- b). What is the Amendment Act by which the concept of incest was introduced to the Penal Code. (Write the year and the number of the Amendment Act). (05 marks)
- c). What are the punishments that should be imposed on a person convicted to the offence of incest? (05 marks)