



The University of Fiji
(An Entity of Arya Pratinidhi Sabha of Fiji)



JDP SCHOOL OF LAW
Semester 1, 2026
FINAL EXAMINATION PAPER

LAW207: CRIMINAL LAW & PROCEDURE

Important Instructions to Students:

1. Read the questions, instructions carefully and answer the questions.
2. You are allowed an **extra 10 minutes reading time** (during this time, you are not allowed to write) and **180 minutes (3 Hours) to complete this paper**.
3. All kinds of electronic gadgets (including smart phones, mobiles, tablets etc.) are strictly prohibited.
4. Write all your answers in the answer booklet provided. If you need extra sheets, please ask from the supervisor. Write your name, course code and student identification number in the answer booklet and in the attendance sheet.
5. **This Final Course Examination Paper is worth 60 marks.** Students must **score at least 30 marks** in this final exam to pass the course.
6. This paper contains **THIRTEEN (13)** questions. All questions are compulsory.
7. Write all your answers legibly. The marker has the right to award zero for answers that are not legible.
8. This is a **RESTRICTED OPEN BOOK EXAMINATION**. Students are allowed to bring into the examination room a copy of the Crimes Act 2009 and the Criminal Procedure Act 2009.
9. The University views plagiarism, cheating and dishonest practice as serious offences and if found, offenders are penalized.

Examination Paper Content (Format):

<u>Section</u>	<u>Question</u>	<u>Content</u>	<u>Marks</u>	<u>Suggested Time</u>
A	1-8	Multiple Choice	16	50 minutes
B	9-12	Long Answer Questions	20	60 minutes
C	13	Case study	24	70 minutes
		TOTAL	60	180 Minutes

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SECTION A- MULTIPLE CHOICE

You must answer all questions in this section. Each question is worth 2 marks.

1. What distinguishes manslaughter from murder?

- A. Manslaughter involves property damage
- B. Manslaughter always involves multiple victims
- C. Manslaughter lacks intent to kill or involves mitigating circumstances
- D. Manslaughter is punishable only by fines

2. Which is NOT one of four elements of crime in common law tradition:

- A. Actus Reus
- B. Mens Rea
- C. Causation
- D. Remorse

3. What is the main difference of Infanticide from other offences?

- A. it can be committed only with intent
- B. it can be committed by special offender
- C. It can be committed only with recklessness
- D. It cannot be committed by omission

4. Which of the following may invalidate sexual consent?

- A. Prior relationship
- B. Silence
- C. Intoxication or coercion
- D. Marriage

5. Please choose the one statement which is correct:

- A. The Euthanasia is legal in the Republic of Fiji
- B. The abortion can be done purely on the decision of the women in the Republic of Fiji
- C. Age of Criminal responsibility is 10 y.o. in the Republic of Fiji
- D. Witchcraft stop to be a crime in 1996

6. What differentiates robbery from theft?

- A. Robbery involves deception only
- B. Robbery involves use or threat of force
- C. Robbery applies only to businesses
- D. Robbery does not involve intent

7. A police officer may lawfully arrest a person without a warrant if:

- A. The person requests it
- B. The officer suspects involvement in an offence based on reasonable grounds
- C. The officer dislikes the person
- D. The offence is minor only

8. What is the legal age of consent that excludes criminal liability under the Crimes Act 2009 in Fiji?

- A. 14 years and above
- B. 15 years and above
- C. 16 years and above
- D. 18 years and above

[16 marks]

SECTION B- LONG ANSWER QUESTIONS

Question 9

Explain the main difference between the offence of rape (Section 207) and sexual assault (Section 210) under the Crimes Act 2009. (5 marks)

Question 10

Identify and explain the four elements of crime analysis for the offence of infanticide under Section 244. (5 marks)

Question 11

Explain the main difference between the offence of abortion (Section 234) and killing an unborn child (Section 252). (5 marks)

Question 12:

Describe the different forms of fault elements applicable to offences under the Crimes Act 2009. (5 marks)

[20 marks]

SECTION C- CASE STUDY

This section is compulsory.

Question 13:

Mary met John whilst on her way home with Lemeki, her neighbor and friend. Mary had. She sat beside John for a chat whilst Lemeki took the lead home. After a walk along the road, Mary and John decided to have sex.

John brought an empty box of a beer carton, laid it on the ground and had sex with Mary. To Mary's surprise, four more of John's friends standing across the road were waiting to have sex with her and straight after John finished, he called the next person to come and have sex with Mary. Mary was not aware that the arrangement was to share her. She said that she agreed to have sex only with John.

After John, Gabriel had sex with Mary. Once Gabriel was done, he called Boris. Before Boris could have his turn, Mary pulled up her panty and told John she wanted to go home. Micheal stood there waiting for his turn but Mary was ready to go home.

Mary said that the gang of boys were around 10 meters away from the place where these sexual activities took place. After the incident, Mary went home, had a bath, had dinner and went to bed. The following morning, she had told Ms. Nelly that she had been raped by four boys and she 'liked it'.

Thoroughly analyse the following:

- i. **Whether the prosecutor will be able to successfully prosecute this case.**
- ii. **Whether the legal classification of the offence would change if the accused had used a weapon to threaten the victim during the act.**
- iii. **Whether the legal classification of the offence would change if the victim was self-intoxicated with alcohol.**
- iv. **Whether the legal classification of the offence change if the perpetrators were 15 year old cousins of the victim and the act was limited to pulling down the victim's panty without further physical contact.**

[24 marks]