

(Please write your Exam Roll No.)

Exam Roll No.



END TERM EXAMINATION

THIRD SEMESTER (LLB) JANUARY-2024

Paper Code: LLB-205

Subject: Law of Crimes-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.no.1 of Part A which is compulsory. Select one question from each unit of part B.

Part-A

Q1 Write Short Notes on the followings:

(5x5=25)

- Distinction between Intention, Recklessness and Negligence.
- Distinguish between Fraudulently and Dishonestly under IPC.
- "A state of mind is also fact, though not directly perceptible by the senses". Explain.
- Scope of Attempts under Section 511 IPC
- Capital Punishment

Part-B

Unit-I

Q2 Explain the fundamental principle of penal liability embodied in the maxim, "Actus non facit reum nisi mens sit rea" Substantiate your answer with help of case law.

(12.5)

OR

Q3 Under certain circumstances the State prohibit by statues the doing of certain acts irrespective of consideration of *Mens Rea*. Elucidate the nature and scope of exemption of *Mens Rea* in statutory offence with help of judicial interpretation.

(12.5)

Unit-II

Q4 Distinguish between Medical and Legal Insanity with help of legislative provisions and judicial guidelines. Up to what extent the plea of irresistible impulse co-existing with full possession of reasoning power may be entertained by the Court?

(12.5)

OR

Q5 Explain the extent of injury that may be inflicted on as assailant in the exercise of right of private defence under Sections 100, 101,103 and 104 of IPC. Substantiate your answer with help of case law.

(12.5)

Unit-III

Q6 Explain the nature and scope of offence of abetment by instigation, by engaging in conspiracy to do it and by aiding in the order of doing it. How the offence of abetment by conspiracy is distinct from the offence of Criminal Conspiracy under Section 120A of IPC. Elucidate your answer with help of case law.

(12.5)

OR

Q7 Explain the general doctrine of joint liability in doing of the criminal act under Sections 34 to 38 IPC with help of case law.

(12.5)

Unit -IV

Q8 Distinguish between offence of Assault, Affray and Riot under Indian Penal Code with help of judicial interpretation.

OR

Q9 Define essential ingredient of Unlawful assembly under Section 141 of IPC. Explain the principle of Constructive liability embodied under Section 149 IPC with help of case law.

(12.5)

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END TERM EXAMINATION

THIRD SEMESTER [LLB] JANUARY-FEBRUARY 2023

Paper Code: LLB205

Time: 3 Hours

Subject: Law of Crimes-I

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Answer the following:

(5x5=25)

- Explain -Retributive theory of punishment is not in consonance with the humanistic ideals of today's society.
- Explain the degrees of *mens rea* under Section 81 of the Indian Penal Code 1860.
- What is the rationale of protecting Judges under S 77, Indian Penal Code 1860? Discuss the limitation of this protection.
- Explain "Common intention is not the same thing as similar intention".
- Avinash was a hard working senior software engineer in Google. One month back, he had become father to a girl child and was on paternity leave. However, due to the ongoing recession, he was laid off without any prior notice. Unable to bear the shock of being laid off, he committed suicide. Avinash's wife sued the tech giant for abetment of suicide. Decide.

PART-B

UNIT-I

- Q2
- What do you understand by extra-territorial operation of the Indian Penal Code 1860? Discuss with the help of relevant provisions.
 - Anthony Parker, a British national was operating from London and entered into a contract with Ram Lal from Delhi, for the supply of certain goods. Thereafter delivery of goods was made to Anthony, but he did not make the payment. He stopped responding to any letters of the aggrieved, Ram Lal and later fled to California, USA. Discuss whether Anthony is liable to be prosecuted in India, with the help of relevant provisions and case laws.

OR

- Q3 Explain the common law principle of *actus non facit reum nisi mens sit rea* with the help of illustrations and decided cases. Elucidate the exception of this rule with the help of case laws. (12.5)

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UNIT-II

Q4 Vinay, in his dream was commanded by someone from paradise to sacrifice his own son of 6 years. The next morning he took his son to the river bank and killed him by a knife. He then went to tell the same to his Aunt, but finding a family member nearby, he took her aunty aside and narrated the whole incident. How would you, elaborating the law on unsoundness of mind, decide this case? Also, discuss on the stand taken by Courts in such matters.

OR

Q5 A, B and C went to Naini lake for an outing and while A and B were busy playing chess, C was exploring the area. After sometime A and B heard C's cries and rushed towards him and saw that X and Y were brutally beating C with sticks. A, in order to save C, took out his gun and fired at X, who succumbed to the injury 4 hours later. A at his trial for X's murder pleads private defence. Argue from both the sides- defence as well as the prosecution- on the maintainability of plea of private defence, taking help of decided case laws. (12.5)

UNIT-III

Q6 Explain the principles regarding 'attempt' as laid down in *State of Maharashtra v. Mohd. Yakub* (AIR 1980 SC 1111). How the verdict in this case marks a departure from the earlier ruling of the Supreme Court in *Malkiat Singh v. State of Punjab* (AIR 1970 SC 713). Do you agree that the ruling in *Mohd. Yakub* has made the law regarding attempt much more stringent?

OR

Q7 a) The accused X, Y, Z, J and K were alleged to have entered into A's house, armed with lathis in order to obtain forceable possession of his house. Grave injuries were inflicted on A's limbs with the lathis and he was further dragged out of his house to some distance by J and K, where J shot him dead with a hidden pistol. Wife of A, who was trying to protect her husband was taken inside a room by X who disrobed her. Discuss the group/individual liability of all the accused persons involved.
b) Discuss the liability in the above situation if Y and Z are acquitted by the court for lack of evidence. (12.5)

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UNIT-IV

Q8 Madanlal was working as a mali (gardener) in the house of Sharad and Nitika Dewan, aged 78 and 75 years respectively. Madanlal had been working for them since he was a child and was treated like a family member. A few days before the incident, Madanlal had suffered a cut injury in his foot by a glass splinter while cleaning the terrace. The injury had become septic and on the date of the incident, he was demanding from Nitikadewan money for treatment of his injured foot. On Nitika refusing to give money, there was acrimony between Madanlal and the the couple. Late on at 7 pm, when Varsha (domestic help) came to the house of Nitika and Sharad, she found them in a pool of blood lying dead on the floor. She also found Madanlal hiding behind a curtain holding the bloodstained khurpa (gardening tool).
Considering yourself a sentencing Judge- decide on the basis of aggravating and mitigating factors and the judicial discourse whether the case falls within the "rarest of rare" or not and qualifies the awarding of death sentence or not.

OR

Q9 Rajeev Singh, a veteran journalist had uploaded a video on youtube criticizing the mismanagement during COVID pandemic. He highlighted the lack of testing facilities, ventilators, and the lack of information regarding the availability of PPE kit, N-95 masks, etc. He also alleged that majority of the State Governments and Central government are ill-equipped to handle the pandemic and is giving false information to the public regarding availability of medical devices. In one part of the video, he also accused prominent ministers for using deaths and terror attacks to garner votes. Rajeev Singh was booked for the offence of sedition under S 124A, IPC 1860. Discuss the liability of Rajeev Singh with the help of decided principles and legal provisions. (12.5)



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END TERM EXAMINATION

THIRD SEMESTER [LLB] DECEMBER 2023 – JANUARY 2024

Paper Code: LLB-203 Subject: Law of Crimes-I
Time: 3 Hours Maximum Marks: 75
Note: Attempt all questions from Part A & B as directed. Internal choice is indicated.

PART-A

- Q1 Answer the questions, supporting your answers with relevant case laws wherever necessary. (5x5=25)
- (a) 'A' is carried off by a lion, 'B' fires at the lion, knowing it to be likely that the shot may kill 'A', but not intending to kill 'A', and in good faith intending 'A's' benefit. 'B's' bullet gives 'A' a mortal wound. Decide the liability of 'B'.
- (b) The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability. Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with the circumstance of the 'crime'. Life imprisonment is the rule and death sentence is an exception. In light of the above statement, analyze the test laid down by the Apex Court in the case of *Machhi Singh and others v. State of Punjab* (1983) 3 SCC 470.
- (c) Write a note on: Intoxication as a defence, based on the landmark judgment of *Rasdev v. State of Pepsu* 1956 SCR 363.
- (d) Elaborate upon the difference between Criminal Conspiracy and Abetment by Conspiracy under the Indian Penal Code.
- (e) Write a note on: Riot. Lay out any difference between Riot and Affray under the Indian law?

PART-B

UNIT-I

- Q2 'X' a non-muslim, Indian citizen, lives temporarily in Algeria, a country where bigamy is not an offence. He marries 'Z' during the lifetime of his first wife, 'Y', who lives in India with the rest of the family. Bigamy is an offence in India. Can 'Y' file a case against 'X' in India? What about against 'Z'? Explain with the help of relevant jurisdictional provisions and case laws. (12.5)

OR

- Q3 Read the following statements:- (12.5)
"The fundamental principal of criminal liability is that, there must be wrongful act accompanied with wrongful intention. At the same time, the exclusion of *Mens Rea*, by necessary implication, depends on the object and provisions of the statute and it can exist in a spectrum of strictness."
In light of the above statements, give a detailed discuss on the principle of *Mens Rea* in India.

UNIT-II

- Q4 B suffered a severe brain injury in July 2019 while working in a flourmill. He was later appointed as a watchman at the same mill by the sympathetic owner. However, after extremely erratic behavior on part of B, about 10 months later, the owner terminated his employment. These past years, Bhad still been going to the flourmill in the late hours, to meet his only friend S, who still worked at the mill. B and S would often chat the night out and sometimes, S would go to meet his paramour, leaving B in charge of the mill. On the fateful day, in the dead of the night, when Swas not there, Basaw a young woman trying to sneakthrough the mill to reach her home, situated at the back of the mill. He caught hold of her and took her to the guard room to show Sand all others, the ghost who was responsible for his losing the job. The girl struggled to get free and screamed. As all this was disturbing to B, and as he wanted to capture the ghost to claim his job back, B put his thumb on her throat, to control the evil spirit. However, the girl died of suffocation caused by the pressure of the thumb. Discuss whether B can claim the defence of unsoundness under the Penal Code? In your opinion, is S liable for any offence? (12.5)

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OR

- Q5 Agni, the enemy of Kalu, pointed a fake, toy pistol looking like real, at Kalu to scare him. Kalu, thinking the pistol is real, and finding his life in danger, draws out a loaded pistol from his pocket and fires at Agni. Consequently, Agni dies on the spot. Kalu is prosecuted for the murder of Agni. B takes the defence of private defence of person and states that he didn't know that the pistol was a fake one. Will Kalu succeed in this defence? Give reasons supporting with relevant precedents. (12.5)

UNIT-III

- Q6 "Establishment of an overt act is not a requirement of law to allow Section 34 to operate in as much as the Section gets attracted when a criminal act is done by several persons in furtherance of a common intention of all."
A, B, C, D and E all members of a college sports team, become an unlawful assembly and decide to attack X, a member of the rival collage team. Each one of them was explained that the attack should not exceed to causing death. While all of them went to attack X, on the way, C and D decided to back-out, for fear of being caught. The others continued according to plan. Upon reaching X's hostel, E found that X is the son of the rival team Coach who is always very unfair to them. So, they decide to take revenge from him X, while A and B caught hold of X, using their hands and a stick lying nearby, E removed a pen-knife, hidden in the folds of his clothes and stabbed X to death. Decide the liability of A, B, C, D and E under section 34 of the Indian Penal Code. Will there be any change to your answer, if A and B support E's attack with pen-knife before E yielded it? Explain your answers with the help of suitable case laws. (12.5)

OR

- Q7 Veenu and Annie, a set of thieves, got married on 30th May, 1999. Even after 7 years of marriage, they are childless. Thus, they adopt an infant boy in December, 2006 and name him Tudor. As Tudor grows older, they start teaching him the tricks of their trade. Sometime in 2011, it is decide that the boy will execute his first independent theft in the local toy shop. Tudor enters the shop, while his parents wait at a distance. What offence has been committed, if any? Explain with case laws, in light of theories expounded by the Supreme Court of India. (12.5)

UNIT-IV

- Q8 In May, this year, J a journalist from Delhi, visits Orissa's Sun Temple, he posted a satirical video and allegedly made derogatory comments over the state's food and culture. He is arrested by Orissa Police with the assistance of Delhi Police, on charges of outraging religious sentiments of the people and promoting enmity between different groups on grounds of religion. Can J be charged for offence under Section 153A IPC. Give reasons in favour and against the provision. (12.5)

OR

- Q9 The development of sedition law in India may be summarized as a debate about its scope. Initially it was given a wide construction, and disaffection was held to mean dislike or hatred, and not merely disapproval. In the second *Tilak* case, a specific instance was given, namely, attributing dishonest or immoral motives to the government. In recent times, though, courts have tended to stray away from *Kedar Nath Singh*. They have not only interpreted sedition in unduly wide terms, but also reached guilty verdicts in cases where the facts are altogether unrelated to the parameters of sedition. Elaborate. (12.5)

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THIRD SEMESTER [LLB] NOVEMBER-DECEMBER 2019

Paper Code: LLB-205

Subject: Law of Crimes-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all, including Q.no.1 of Part A which is compulsory. Select one question from each unit of Part B..

PART-A

Q.1 Write/Discuss on the following: (5x5=25)

- Applicability of the Indian Penal code
- A is at work with a hatchet. The head flies off and kills a man who is standing by. There was want of proper caution on part of A.
- A, in India, instigates B, a foreigner in London to commit murder in London
- Necessity as General Exception
- A is carried off by a Lion. B fires at the lion knowing it to be likely that the shot may kill A, but not intending to kill A, and in good faith intending A's benefit. B's bullet gives A a mortal wound.

PART-B

UNIT-I

Q.2 What is crime? Discuss its essential elements. (12.5)

Q3 Explain the rationale behind punishing a person guilty of strict liability offence in absence of guilty mind. (12.5)

UNIT-II

Q.4. The right of private defence can extend to the causing of death of another person. Do you agree to the above mentioned statement. Discuss it in the light of contemporary challenges & issues. Explain with help of case laws. (12.5)

Q5 Can intoxication be used as a defence under IPC? Explain with the help of leading cases on the subject. (12.5)

UNIT-III

Q.6. Discuss the law relating to abetment in India with the help of landmark cases. (12.5)

Q7 Section 511 of the IPC dealing with attempt does not express any fault element: Elucidate the statement while explaining the difference between preparation and attempt (12.5)

UNIT-IV

Q.8. What is sedition? Discuss its ingredients? Explain with the help of leading cases on the subject. (12.5)

Q9 Capital punishment has been a very contentious issue in India people are for and against it but there is no data of doubt that a person who kills someone, also deserves to die. Do you approve of this. Explain with the help of cases on the subject. (12.5)



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THIRD SEMESTER [LLB] NOVEMBER - DECEMBER 2018

Paper Code: LLB-205

Subject: Law of Crimes-I

Time : 3 Hours

Maximum Marks : 75

Note Attempt all questions from Part A. Attempt one question from each unit from Part B.

PART - A

- Q.1. Decide the following with the help of relevant provisions and cases: (5X5 =25)
- Ahmed, a Muslim kills a cow in a market in the presence of Rohit, Tushar, Manav and Rahul, who are Hindus. Has Ahmed committed any offence?
 - The ship Krishna collided with an iceberg in the middle of the ocean. In the state of emergency a crew member randomly decides to save five people including Jaya, and left behind fifteen people to die including Jai, Jaya's husband. Once on land Jaya decides to file a case against the crew member of the ship. Has the crew member committed any offence?
 - Anil was awakened in the middle of night by some strange noises in his house, thinking that he was attacking a thief, he fired towards the cabinet, where the intruder was hiding and killed a friend of his servant, who was present in the house on the invitation of his servant. Has Anil committed any offence?
 - Ramesh, a wealthy jeweller hid his stock of jewellery, tied himself to a chair and called for help. When the police came they found the empty locker and Ramesh in a helpless situation. Subsequent investigation revealed that the jeweller had made these false pretensions just to obtain money from the insurance company. Has Ramesh committed any offence?
 - Omprakash applied for loan for building a house for his son Rampal, but before the bank could reply Omprakash died. After his death his son, received the intimation from the bank that the application has been accepted. Rampal affixed the signature of his father on the remaining documents and presented the documents for releasing the amount. Has Rampal acted fraudulently as per Section 25, IPC?

PART - B

UNIT - I

- Q.2. "We see that all attempts to define crime have proved abortive and would indeed be a barren research." How have various jurists defined "crime" and which according to you is the best definition of crime? Give reasons for your answer. (12.5)
- OR
- Q.3. On 04th November, 2018, Ram, a police officer, received a complaint from Shyam that a woman named Durga had run away from the well after pushing two boys and a girl. On investigation it was found that she had taken the children with her on the pretext of showing them a temple and instructed them to follow her to show them the well also. Thereupon she pushed them in the well. During the trial she pleaded that she was suffering from severe premenstrual syndrome which affected her sanity. Decide with the help of law and judicial decisions regarding insanity in IPC. (12.5)

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UNIT - II

- Q.4. What are the essential ingredients of the offence of conspiracy under Indian Penal Code? Explain the law of conspiracy and its principles of liability as pronounced in various decided cases. (12.5)

OR

- Q.5. The 'Students Union' of Janta University organised protest meeting against mob-lynching incidents happening in the society. They protested the killing of people in the name of religion and raised slogans against the government for not taking any action against the perpetrators. Thereafter, the protest ended and everyone went home. Next day, the president named 'X', 'Y' the vice-president and 'Z', the general secretary of the Students Union were arrested by the police on charges of 'Sedition' under Section 124A, IPC. Discuss the liability of X, Y and Z in light of relevant case laws on sedition. (12.5)

UNIT - III

- Q.6. L, M, N, O and P are arrested for being members of unlawful assembly in prosecution of common object of forcefully abducting Z from his home. The findings at the end of the investigation are that - (12.5)
- M had a change of heart on the way Z's house and left mid-way
 - All the members of the party had carried lathis and were prepared to use them if necessary to attain their objective.
 - L bore a grudge against Z and carried with him a sharp knife without the knowledge of other members of the party
 - While N and O were beating Z with lathis, P came from behind and held back Z's arms while L stabbed Z causing grievous injuries to Z.
- Decide the liability of each member.

OR

- Q.7. Arun and Asha were husband and wife. They used to quarrel often, shouting verbal abuses at each other. One day after a bitter quarrel, Arun shouted at Asha "to go and die" and left the house. Three days later, Asha was found dead having committed suicide by hanging herself. Arun is charged with instigating Asha to commit suicide. Decide if Arun is guilty in light of law of abetment and its relevant provisions and case laws. (12.5)

UNIT - IV

- Q.8. "Statutory crimes express the needs of society. Such statutes are not meant to punish vicious will but to put pressure on the thoughtless and inefficient to do their whole duty in the interest of public health, safety or morals." Strict liability offences are an exception to the essential elements of crime i.e. actus reus and mens rea. Comment on the above statement pointing out why such offences are justifiable to create with the help of relevant case laws. (12.5)

OR

- Q.9. The Malimath Committee states with regard to the Indian criminal justice system "The system devised more than a century back, has become ineffective; a large number of guilty go unpunished in a large number of cases; the system takes years to bring the guilty to justice and has ceased to deter criminals. Crime is increasing rapidly every day and types of crimes are proliferating. The citizens live in constant fear." In such a scenario, which is the best theory of punishment to follow? Discuss briefly the various theories of punishment in light of their merits and demerits. (12.5)



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THIRD SEMESTER [LLB] NOVEMBER-DECEMBER 2017

Paper Code: LLB 205

Subject: Law of Crimes-I

Time : 3 Hours

Maximum Marks :75

Note: Attempt any five questions including Q. No. 1 of Part A which is compulsory. Select one question from each unit in Part B.

Part-A

- Q1. Discuss/Decide the following with the help of relevant provisions. (5x5=25)
- Common Intention
 - Defence of Mistake
 - 'W' a citizen of India commits an offence in Canada. Decide the applicability of Indian Penal Code, 1860.
 - 'R' a lunatic committed murder of 'S' during lucid intervals as already there was rivalry between them. Decide the liability of 'R'.
 - 'M' a surgeon in good faith communicates to patient his opinion that he cannot survive. The surgeon knows it to be likely that the communication might cause patient's death. The patient dies in consequence of the shock. Is 'M' guilty of any offence?

Part-B

Unit-I

- Q2. Define Crime. Crime, criminality and social structure are interlinked phenomenon. Elaborate. (12.5)
- Q3. Explain the maxim '*actus non facit reum, nisi mens sit rea*'. Is *mens rea* an integral element of crime? Elucidate. Also give exceptions. (12.5)

Unit-II

- Q4. What do you mean by right of private defence. When does the right of private defence of body extend to causing of death? Discuss. (12.5)
- Q5. Write short notes on: (2x6.25=12.5)
- Doli Incapax*
 - Defences of Intoxication

Unit-III

- Q6. Discuss the law relating to criminal conspiracy as given under Indian Penal Code, 1860 with the help of decided cases. Also differentiate between conspiracy and abetment. (12.5)
- Q7. Who is an abettor? Discuss the liability when one act is abetted and different act is committed. (12.5)

Unit-IV

- Q8. What do you mean by offence against the State? Discuss the provisions critically as proved in Indian Law. (12.5)
- Q9. Discuss the Reformatory theory of punishment. Examine its role in relation to abolishing the Capital Punishment in India. (12.5)

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END TERM EXAMINATION

THIRD SEMESTER [LLB] NOVEMBER - DECEMBER 2016

Paper Code: LLB-205

Subject: Law of Crimes-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Decide the following with the help of relevant provisions and cases:

(5x5=25)

- (a) 'X' and 'Y' were arch enemies. One night, 'X' entered the bed chamber of 'Y' thinking that he must be there sleeping in his bed. 'X' pumped six bullets, but 'Y' was not there and was far away at that time playing with his friends. Can 'X' be convicted for criminal attempt?
- (b) Nawazuddin was a devout Muslim. One day, his Pir (preceptor) induced him to sacrifice his son if he wanted a berth in heaven. Next day, he took his son to a Mosque and killed him there. Can he be given the benefit of insanity?
- (c) 'X' and 'Y', two friends decided to commit theft of valuables in the house of 'Z'. While 'X' was collecting the valuables from 'Z's' house, 'Y' finding 'Z' alone, kills her when 'Z' was about to call one of her friends for help. Can 'X' and 'Y' both be prosecuted and convicted for theft and murder of 'Z'.
- (d) The car of 'X' broke down while travelling from Saharanpur to Dehradun, near Mohand pass. It was around 11 o'clock in night. He heard some strange noises and when he looked back, he saw the eyes of an animal shining in the dark. He took his loaded gun from his car and fired. It unfortunately hit a military officer and killed him. Decide his liability.
- (e) 'X' a Mohammedan kills a cow in an open place in the presence of 4-5 Hindus. What offence he has committed?

PART-B UNIT-I

- Q2 "Defining Crime is less problematic in primitive and closed societies, but the process gets complicated with the growth of society?" State the various definitions given by the jurists at different points of time which depict that the social structure and the moral fabric of the society play an important role while defining 'crime'. (12.5)
- Q3 Discuss in detail the facts and the legal prepositions as involved and explained in Mohbub Shah v. Emperor (1945) 47 BOM. LR 941. (12.5)

UNIT-II

- Q4 A few samples of adulterated mustard oil were seized for the shop of 'X'. 'X' was charged with an offence under section 16 of the Prevention of Food Adulteration Act, the material provision of which reads: "No person shall or by any person on his behalf manufacture for sale, or store, sell or distribute: (i) any adulterated food..." In his defence, 'X' contends that he had no knowledge of the adulterated nature of the mustard oil seized

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from his shop, which he purchased in fact from other nor he was having any intention to sell it further. Decide the liability of 'X' in light of the relevant legal principles and leading cases regarding the same. (12.5)

- Q5 Write short notes on:- (12.5)
- (a) Insanity
 - (b) Right to private defence against human body.

UNIT-III

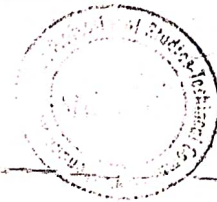
- Q6 Explain the principles regarding 'attempt' as laid down in State of Maharashtra v. Mohd. Yakub (AIR 1980 SC 11111). How the verdict in this case marks a departure from the earlier ruling of the Supreme Court in Malkait Singh v. State of Punjab (AIR 1970 SC 713). Do you agree that the ruling in Mohd. Yakub has made the law regarding attempt much more stringent? (12.5)

- Q7 Discuss the Law of Conspiracy u/s 120 A IPC, and the set of cardinal principles as culled out by the Hon'ble Supreme Court, after the extensive review of its earlier judicial pronouncements, in State of Tamil Nadu v. Nalini (AIR 1999 SC 2640). (12.5)

UNIT-IV

- Q8 'X' and 'Y' after demonetization went to a branch of HDFC Bank at Cannought Place. People were standing in long queues for several hours and were irritated by the cash crunch caused due to the demonetization drive 'X' and 'Y' started raising slogans against the PM, criticizing the policy which caused unrest amongst the people standing there. They were arrested and were prosecuted for the offence of sedition. Decide the liability of 'X' and 'Y' in the light of Kedar Nath Singh v. State of Bihar (AIR 1962 SC 955). (12.5)

- Q9 The principle of 'Rarest of Rare' as evolved by the Indian Courts regarding the Death Penalty is a judge centric approach and may lead to error of judgement. Do you agree with this statement? Critically appraise the doctrine of 'Rarest of Rare' in light of leading judicial pronouncements thereby reflecting various checks and balances evolved by the Apex Court to mitigate such errors of judgement. (12.5)



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END TERM EXAMINATION

THIRD SEMESTER [LLB] DECEMBER-2015

Paper Code: LLB205

Subject: Law of Crimes-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 Write short notes on the following:-
(a) Classification of Statutory Crimes
(b) Transnational Organized Crime
(c) Abetment as a distinct offence
(d) Natural Law theory of Crime
(e) Restorative Justice Vs Retributive Justice

(5x5=25)

PART-B

UNIT-I

- Q2 Distinguish between specific intent and general intent. Is "Intention" relevant in proving the guilt beyond reasonable doubt? Discuss with the help of decided case laws. (12.5)
- Q3 Discuss Mannam Venkatdri AIR 1971 SC 1467 and other relevant case laws to distinguish between the term "common intention" and "common object". (12.5)

UNIT-II

- Q4 Explain the nature of scope of Insanity as defence under the penal law by distinguishing between medical insanity & legal Insanity with suitable case law. (12.5)
- Q5 Explain the nature and scope of right of private defence against property with relevant case law. (12.5)

UNIT-III

- Q6 Is Conspiracy a specific intent crime? Can someone be convicted of conspiracy if other conspirators are never charged with a crime? Discuss under the lights of relevant case laws. (12.5)
- Q7 Describe the defence of 'acting under the authority of others'. Is there any Constitutional challenge(s) that may be used as defences. Discuss under the lights of relevant case laws. (12.5)

UNIT-IV

- Q8 Is sentencing a mandatory medium of punishment for the crime? Is there any emerging trends of alternative-punishment now-a-days for the crime doers other than sentencing? Discuss under the lights of relevant case laws. (12.5)
- Q9 "A man is a social animal. He learns good or bad habits from the society and reacts accordingly. Bad habits perpetrate crime and crime doers. A congenial and purify atmosphere can be helpful to cure and convert bad habits into good habits and likewise a criminal into a good human being." Examine which theory of punishment supports this view. (12.5)

P #

Write your Exam Roll No.)

Exam Roll No.

SUPPLEMENTARY EXAMINATION

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THIRD SEMESTER [LLB] SEPTEMBER 2014

Code: LLB-207

Subject: Law of Crime-I

Time: 3 Hours

Maximum Marks: 75

Attempt any five questions including Part A which is compulsory.
Select one question from each unit of part B.



PART-A

Discuss-

(5x5=25)

- Ignorantia facit excusat ignorantia juris non-excusat.
- Distinctions between vicarious liability under section 34 and section 149.
- Distinction between Dishonestly and Fraudulently.
- Criminal liability of minor.
- Difference between legal Insanity and Medical Insanity

PART-B

UNIT-I

"Crime is a violation of a right considered in reference to the evil tendency of such violation as regard the community at large". Define the concept of crime with the help of definitions given by different jurists. (12.5)

"Mens rea is necessary to be proved for conviction of accused in respect of any offence unless such proof has been expressly and impliedly dispensed with by law." Discuss. (12.5)

UNIT-II

Accused was a retired Military Jamadar who went to attend a marriage. When the marriage party went to bride's house for midday meal, some settled down in their sets and some had nt. The accused who was drunk and intoxicated asked a young boy to step aside a little so that he may occupy a seat but the boy did not move. The accused whipped out a pistol and shot the boy in abdomen. The injury proved fatal. After shooting at the boy, he attempted to get away but was secured at a short distance from the darwaja. There he requested the witnesses to be forgiven saying that if had happened from him.

Decide the case regarding the liability of the persons for the murder with reference to section 85 and 86 I.P.C. (12.5)

Explain the right of private defence against property and what are the limitation for the exercise of such right under Indian Penal Code? (12.5)

UNIT-III

Define Abetment-and in light of relevant provisions decide-

- 'A' instigates a child 'B' to poison 'C' and provides poison for the purpose. 'B' by mistake put the poison on D's plate, which happened to be on the side of C's plate. 'D' took the food and die. (6.5)
- 'A' instigates 'B' to shoot 'C'. 'B' goes of 'C' house with a gun but finding C's car standing unattended, steals the car instead of shooting him. (6)

Explain the nature and scope of Liability for the offence of Criminal Conspiracy. Substantiate your answer with help of case law? (12.5)

UNIT-IV

Explain briefly the various theories of punishment propounded to justify the end of Criminal justice system? (12.5)

Write short notes on the following:-

- Capital punishment (6.5)
- Reformative theory of punishment (6)



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END TERM EXAMINATION

THIRD SEMESTER [LLB] DECEMBER 2013-JANUARY 2014

Paper Code: LLB-207

Subject: Law of crimes - I
(2005-2012)

Time: 3 Hours

Maximum Marks: 75

Note: Part A is compulsory. Attempt any one question from each unit in Part B.

PART - A

- Q.1 Decide - (by illustrating relevant provisions and case law)
- (a) A gang of armed dacoits compels a blacksmith to take his tools and open the door lock of a house. Is blacksmith protected under any of the exceptions as provided under IPC. (5)
- (b) 'B' claimed that his body was resistant against sharp instruments and invited 'A' to get the fact tested. 'A' cut on 'B' on arm but 'B' bled to death. Under which provision of IPC 'A' can claim the immunity if any? (5)
- (c) 'A', 'B', 'C', 'D' and 'E' five motor mechanics were going to the bungalow of 'X', their employer, to make a request for increased wages. 'X' was coming in the car of his from the opposite direction. In a bid to save a child from being run over. 'X' severed to the right side of the road and thus happened to hit 'A'. Thereupon, 'A' shouted - "Here is a devil, let us beat him". In response 'B', 'C' and 'E' surrounded 'X' and 'D' pulled him out of his car. 'A' quickly inflicted three spanner blows on the head of 'X' who died instantaneously. 'E' was shocked to see the pool of blood and reprimanded 'A' for his uncalled act of killing 'X' as such. Can 'B', 'C', 'D' and 'E' held jointly liable V/s 302 read with 34/149? (5)
- (d) During the months of June/July, importing of milk/ milk products in Delhi had been made an offence. 'B', a supplier of milk, organized secret import of milk through an agent from Mathura. The very first consignment of milk was seized at the border, however it contained only soyabean milk which was not a banned item. Meanwhile on being arrested 'B' confessed his guilty. On investigation it was found that 'B' intended to import unlawfully real milk but the agent had cheated him by supplying soya milk. Can 'B' be successfully prosecuted for attempt? (5)
- (e) Ram instigates Vinod to burn house belonging to Deepak. Vinod sets fire to Deepak's house and at the same time steals some jewellery lying inside the house. Later on it was found that Rahul, a five year old son of Deepak died in that fire as he was sleeping in one of the room and got stuck in the fire. Decide the liability of Ram and Vinod. (5)

PART - B UNIT - I

- Q.2 (a) 'S' was a watchman in a floor mill. While darkness was setting in, he saw a very young girl trying to sneak through the gate of the mill of reach her home, situated at the back of mill. 'S' was drunk heavily. He caught her, took her to a room to rape her. She struggled and screamed, 'S' put his thumb on her throat, pressed it a little to stop her from screaming. She died of suffocation caused by the pressure of 'S' thumb. Decide whether 'S' can successfully claim the immunity under the exception of Intoxication as provided under penal provisions of IPC. (6)
- (b) "The mere fact that the object of the statute is to promote welfare activities or to eradicate a grave social evil is by itself not decisive of the question whether the element of guilty mind is excluded from the ingredients of an offence". In light of the aforesaid observation of Supreme Court in the case of Nathulal V/s State of Madhya Pradesh, discuss the factors responsible for exclusion or inclusion of mens rea in social or public welfare legislations. (6.5)

OR

- Q.3 (a) "To be guilty of an attempt, it is not necessary that the circumstances should be such as would facilitate the completion of crime". Comment on the statement with the help of decided cases. 'A' applied to Patna University for appearance at M.A. examination, as a private candidate, representing that he was a graduate and teaching at a school. He attached bogus certificates in this regard. The University gave the permission and issued admit-card. In the meantime, however, the University came to know about the forged application of 'A'. Decide the liability. (7.5)

[P.T.O.]

Please write your Exam Roll No.)

Exam Roll No.

SUPPLEMENTARY EXAMINATION 28

THIRD SEMESTER [LLB] SEPTEMBER-OCTOBER 2013

Paper Code: LLB-207

Subject: Law of Crimes-I

Time : 3 Hours

Maximum Marks : 75

Note: Part A is compulsory. Attempt any one question from each unit in Part B.

PART - A

Q.1 Write short notes on the following:

(5X5=25)

- What is 'Men's Rea'?
- Define 'necessity' under the provisions of I.P.C with illustrations.
- Explain the term 'infancy' under I.P.C.
- Define various forms of punishment in brief.

PART - B

UNIT - I

(12.5X4 = 50)

Q.2 Define 'Crime'. Discuss the elements of crime with the help of illustrations.

Q.3 Discuss various stages in commission of a crime. Discuss the exceptions to the rule that preparation is not punishable.

UNIT - II

Q.4 Explain and illustrate the provisions of the 'Right of Private Defence' as embodied in the Indian Penal Code.

Q.5 (a) Discuss the extent to which drunkenness can be pleaded as a defence to a criminal charge.

(b) 'A' by shooting at a fowl with intent to kill and steel it kills 'B', who behind a bush; 'A' not knowing that he was there. What offence has been committed by 'A'?

UNIT - III

Q.6 (a) Discuss the law relating to abetment in India.

(b) 'A' with a guilty intention, abets 'B', a lunatic to commit murder of 'C'. 'B' refused to commit the murder of 'C'. What offence 'A' has committed.

Q.7 Discuss the ingredients of the criminal conspiracy with the help of decided cases.

UNIT - IV

Q.8 Discuss various theories of punishment. Do you agree that reformatory theory is more effective in modern time.

Q.9 'The question of retention or abolition of Capital punishment is controversial one'. Submit your arguments.

M-J/20/3/69
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