

Second Semester LL.B. Three Years Course (C.B.S.) Examination

LAW OF CRIMES

Compulsory Paper—2

Time : Three Hours]

[Maximum Marks : 80

N.B. :— (1) Attempt **all** sections. Section A consists of **10** marks. Section B consists of **30** marks and Section C consists of **40** marks.

(2) Follow the instructions given in each section.

(3) Marks are indicated against each question.

SECTION—A

1. Choose the correct alternative (any **TEN**) :

- (i) _____ is exercised in trying and punishing the offences committed on high seas :
 - (a) Extra territorial jurisdiction
 - (b) Personal jurisdiction
 - (c) Admiralty jurisdiction
 - (d) Intra territorial jurisdiction
- (ii) The legal maxim “Actus non facit reum nisi mens sit rea” means :
 - (a) Lapse of time bars the rights of the crown
 - (b) An act done by me, against my will, is not my act
 - (c) The very act is punishable and no proof of damage is required
 - (d) An act and intention must go together in order to constitute a crime
- (iii) Section 34 of Indian Penal Code enunciates the principle of :
 - (a) Joint Liability
 - (b) Common Liability
 - (c) Vicarious Liability
 - (d) Severe Liability
- (iv) A test applied to determine whether a person accused of a crime was same at the time of its commission and, therefore, criminally liable for the wrongdoing, is called as :
 - (a) Lord Ferrer’s Rule
 - (b) Proximity Rule
 - (c) M’Naghten Rule
 - (d) None of the above
- (v) Conspiracy means an agreement between two or more persons :
 - (a) To do an illegal act
 - (b) To do a legal act
 - (c) To do an act which is not illegal by illegal means
 - (d) (a) and (c)
- (vi) Unlawful homicide is of the following kind :
 - (a) Murder
 - (b) Culpable Homicide not amounting to murder
 - (c) Dowry death
 - (d) All of the above
- (vii) In the following case, S.C. declared that Sec. 309 of Indian Penal Code violates Art. 21 of the Indian Constitution, hence it is void :
 - (a) P. Rathinam V. Union of India
 - (b) Gian Kaur V. State of Punjab
 - (c) Chenna Jagdeeswar V. State of A.P.
 - (d) None of the above

- (viii) 'A' a police officer tortures 'Z' in order to induce 'Z' to confess that he committed a crime. 'A' is guilty of an offence under :
- (a) Sec. 329 (b) Sec. 330
(c) Sec. 320 (d) Sec. 334
- (ix) 'A' on a grave and sudden provocation, fires a pistol at 'Z'. 'A' will be guilty of :
- (a) No offence
(b) Attempt to murder
(c) Culpable homicide not amounting to murder
(d) Murder
- (x) Which of the following is an essential requirement of theft ?
- (a) Dishonest intention to take property
(b) Property must be movable
(c) Property should be taken out of the possession of another person
(d) All the above
- (xi) 'A' causes cattle to enter upon the field belonging to Z intending to cause harm and knowing that it is likely to cause damage to Z's crop. 'A' has committed the offence of :
- (a) Trespass (b) Mischief
(c) Criminal force (d) Assault
- (xii) In which of the following crimes preparation itself is not punishable ?
- (a) Waging war against Govt. (b) To commit dacoity
(c) For counterfeiting of coins (d) For committing mischief
- (xiii) Adultery is an offence against the :
- (a) Wife (b) Husband
(c) Basic tenets and norms of marriage (d) World/Society
- (xiv) Marital Rape is a criminal offence in India :
- (a) True (b) False
(c) Partially True (d) None of the above
- (xv) In which of the following cases Hon'ble Supreme Court of India legalized passive euthanasia ?
- (a) Naz Foundation V. Delhi Administration
(b) P. Rathinam V. Union of India
(c) Gian Kaur V. State of Punjab
(d) Common Cause (A Regd. Society) V. Union of India.

1×10=10

SECTION—B

Note :— Both the questions in this section are compulsory.

2. Answer the following (any **THREE**) :

- (a) Explain the concept of Marital Rape.
(b) Distinguish between Criminal Misappropriation and Criminal Breach of Trust.
(c) What is 'Criminal Conspiracy' ?
(d) Explain 'Necessity as a defence under Criminal Law'.

5×3=15

3. Write short notes on (any **THREE**) :

- (a) 'The Criminal Law (Amendment) Act, 2013'.
(b) Prohibition of Indecent Representation of Women.
(c) Public Nuisance.
(d) 'Insanity' as a defence under Indian Penal Code.

5×3=15

SECTION—C

Note :— Answer any **FIVE** questions of the following.

4. Explain the concept of crime and its stages.
5. Discuss the importance of mens rea in criminal law. Explain the role of mens rea in statutory offences with the help of relevant case laws.
6. State the kinds of punishments in which offenders may be punished under the provisions of IPC. Can one argue that capital punishment in any case is against human rights jurisprudence ?
7. In spite of recent amendment in the law, the definition of “rape” in IPC leaves certain loopholes making it difficult to secure convictions. Critically evaluate this statement.
8. Discuss, “attempt to commit suicide”, referring to the decisions of the S.C. on the constitutional validity of Section 309 of the IPC.
9. “In all robbery there is either theft or extortion.” Comment.
10. When is a public servant said to have committed an offence of criminal misconduct as defined in the Prevention of Corruption Act ? Discuss referring to some decided cases.
11. Section 377 of IPC criminalises sexual acts “against the order of nature” and has undergone many twists and turns ever since the Delhi High Court decriminalised it in 2009. Discuss this referring to the decided judgements.

8×5=40