

2021

LAW OF CRIMES — I

(The Indian Penal Code)

Fourth Paper

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer **any five** questions

1. (a) Explain the doctrine of 'actus non-facit reum nisi mens sit rea'. What are the cases to which the doctrine of mens rea does not apply?
(b) What are the provisions under the Indian Penal Code, regarding extra-territorial jurisdiction? 8+8
2. (a) Explain 'Crime' with suitable examples. How many parties of crime are there?
(b) What are the different stages of crime?—Discuss with suitable illustration. 4+4+8
3. (a) What are the essential conditions for application of Section 34 of the Indian Penal Code?—Does Section 34 of the Indian Penal Code create a substantive offence?
(b) Explain the doctrine of 'necessity' as a defence as mentioned in Section 81 of the Indian Penal Code. 8+8
4. (a) 'Ignorantia facit docti excusat, ignorantia juris non excusat' — Discuss with suitable illustration.
(b) What do you mean by 'doli incapax'? Can a child of 8 years commit any offence? 8+4+4
5. (a) What is 'Homicide'? What are the cases of lawful homicide and unlawful homicide?
(b) Distinguish between 'culpable homicide amounting to murder' and 'culpable homicide not amounting to murder'. 4+5+7
6. (a) What are the main ingredients of the offence of 'Grievous Hurt'?
(b) Distinguish between 'Hurt' and 'Grievous Hurt'. 8+8
7. (a) What is theft and what are the main factors necessary to constitute an offence of theft?
(b) 'A' finds a gold ring lying on the high road, not in possession of any person. 'A' takes it silently. Has he committed theft?
(c) 'X', being on friendly terms with 'Z', goes into 'Z's library in 'Z's absence and takes away a book without 'Z's express consent for the purpose of reading it. Has he committed theft?

Please Turn Over

- (d) 'Z' dies in possession of furniture and money. His servant, 'A' removes the furniture without the consent of anybody. Has he committed theft? 7+3+3+3

8. (a) 'Robbery is an aggravated form of the theft or extortion'—Discuss.

- (b) 'A' meets 'Z' and 'Z's child on high road. 'A' takes the child, and threatens to fling it down unless 'Z' delivers his purse. 'Z' in consequence delivers his purse. What offence has 'A' committed?

- (c) 'A' puts 'Z' in fear of grievous hurt and induces 'Z' to sign and delivers the paper to 'A'. 'Z' signs and delivers the paper to 'A'. What offence has 'A' committed?

- (d) 'A' threatens to publish a defamatory libel concerning 'Z', unless gives him money. He thus, induces 'Z' to give him money. What offence has 'A' committed? 7+3+3+3

9. (a) Who could be the offenders under Section 498A of the Indian Penal Code? How has 'Cruelty' been defined therein?—Explain your answer with the help of relevant case laws and detail provisions of law.

- (b) Distinguish between 'Cruelty' under Section 498A and 'Dowry Death' under Section 304B of the Indian Penal Code. 8+8

10. Write short notes on *any two* of the following:

8+8

- (a) Rape
 - (b) Criminal Misappropriation and Criminal Breach of Trust
 - (c) Kidnapping and Abduction
 - (d) Defamation
-