

2020**LAW****Law of Crimes–I (Penal Code)****Paper : 403****[NEW SYLLABUS]**

Full Marks : 80

Time : 3 Hours

*The figures in the right-hand margin indicate full marks.**Candidates are required to give answers in their own words as far as practicable.*Answer **question no. 1** and any **five** from the rest.1. Answer any **ten** questions from the following:

2×10=20

- i) What do you mean by “Crime”?
- ii) What are the stages of Crime?
- iii) What is “Offence”?
- iv) What is the difference between ‘Offence’ and ‘Crime’?
- v) What is ‘Mens rea’?
- vi) Do you think that every case of blackmailing is covered by the definition of extortion?

[Turn over]

vii) “A” kidnaps “Z” from India, intending or knowing it to be likely that “Z” may be sacrificed to an idol. Has “A” committed any offence, if yes under which section?

viii) Define the term “Criminal trespass”.

ix) What is the meaning of the maxim ‘ignorantiajuris non excusat’?

x) How many minimum number of persons required for an unlawful assembly?

xi) Which is common to both Section 304B and Section 498A of IPC?

xii) In which case the Hon’ble Supreme Court held that if a student and teacher fall in love with each other, it does not mean that the teacher has taken undue advantage of his official position?

2. a) Explain the jurisdiction of Indian Courts for the extra-territorial offences.

b) ‘A’, a foreigner on an Italian ship, steals a wrist-watch on the high seas of a fellow passenger who is an Indian citizen. The ship arrives at Mumbai. Is ‘A’ punishable at Mumbai under the Indian Penal Code for the theft of the watch?

6+6=12

3. a) What is common intention under Section 34 of the Indian Penal Code, 1860?
b) How far does common intention differ from common object? $6+6=12$
4. a) Briefly discuss the different types of punishment under the Indian Penal Code.
b) Discuss the various theories of punishment. $6+6=12$
5. a) What do you understand by “Culpable homicide”? When it amounts to murder?
b) Discuss the theory of grave and sudden provocation, and explain how it affects the liability for culpable homicide not amounting to murder. $(4+2)+(3+3)=12$
6. a) Define cruelty towards a married women.
b) Critically analyse the ingredients of dowry death.
c) What is meant by outraging the modesty of a woman? $3+6+3=12$
7. a) What are the kinds of defamation?
b) Discuss the ingredients of the offence of defamation.

- c) Enumerate the exceptions of the offence of defamation. $2+4+6=12$
8. a) What do you mean by the term 'Abetment'?
b) Who is an abettor?
c) What are the distinctions between abetment and criminal conspiracy? $4+4+4=12$
9. a) Write offences relating to marriage.
b) “A” the wife of “B” not having heard of the husband “B” for ten years, contracts a second marriage with “C”, telling that she is unmarried. “B” returns sometime later and wishes to prosecute “A” for bigamy. Advise “B”. $6+6=12$
10. Explain any **four** of the following concepts: $3 \times 4 = 12$
- a) Wrongful Loss and Wrongful Gain;
b) Dishonestly;
c) Document;
d) Mistake of Fact and Mistake of Law;
e) Good Faith;
f) *Doliincapax*.