LAW OF CRIMES

General Principles of Criminal liability

1. “In determining the quantum of criminal liability, the law takes into account the motive, magnitude and character of the offender.” Examine this statement in the light of absence of mens rea in statutory offences.

2. “No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit to that person.” Critically examine.

3. What are the constituent elements of crime? Elaborately discuss mens rea with relevant case law.

4. ‘Although the requirements of mens rea is general throughout the criminal law, there are numerous exceptions to it. Explain with illustrations.

5. Discuss the importance of mens rea in criminal law. Also explain the role of mens rea in statutory offences with the help of relevant case law.

6. It is not at all in doubt that the proof of existence of guilty intent is an essential element in a crime under common law.

7. “Intention and the act both must concur to constitute a crime.” Explain.

8. Examine the criminal liability of a landlord who cut off the electricity connection of his tenant in order to put pressure on him to pay enhanced rent. (Sec. 330 illust D)

9. Discuss the importance of mens rea in criminal law. Explain also the role of mens rea in statutory offences. Refer also to relevant case law.

10. ‘Where the subject matter of the statute is the regulation for public welfare (for example, sale of food and drink), it can be inferred that legislature intended that such activity should be carried out under strict liability. The presumption is that those in charge of such activity are made responsible for seeing that they are complied with. Where such presumption is to be inferred, it displaces the ordinary presumption of Mens Rea’, [State of Gujarat Vs. Acharya D.R Pandey AIR 1971 SC 886]

11. “Crime are wrongs whose sanction is punitive and is in no way remissible by any private person, but is remissible by the Crown alone, if remissible at all’.

12. “The essence of the tort of nuisance is interference with the enjoyment of land”.

13. Substantiate the statement that the presence of a guilty mind is an essential prerequisite for liability under the Penal Code.
General Explanation

1. “The word ‘Voluntary’ as used in the Indian Penal Code is very significant and it does not mean willingly but knowingly or intentionally.” Explain.
3. A corporation aggregate cannot be fastened with criminal liability.
4. “In some instances, an omission will create criminal responsibility without any positive act.” Discuss.

Punishment

1. “The criminal justice is administered in India by punishing the wrongdoer and the object of punishment is viewed differently by different criminologists.” Elucidate.
2. What test has the Supreme Court prescribed to understand “the rarest of the rare cases theory” while inflicting Capital Punishment? Can one argue that Capital Punishment in any case is against society?
3. Describe the kinds of punishments to which offenders may be punished under the provisions of Indian Penal Code, 1860.
4. “Compensation to the victims of crime in India is the vanishing point of criminal jurisprudence.” Comment.
5. In murder cases sentence of imprisonment for life is the rule and death sentence an exception.” Discuss.
6. “It is now a settled law in the India that death sentence can be imposed only in the rarest of the rare cases.” Examine the above statement with the help of important decided cases clearly identifying as to what are rarest of rare cases.
7. While Section 55 of the Indian Penal Code(IPC) empowers the appropriate Government to commute a ‘sentence of imprisonment for life’ to fourteen years, Section 57 states that in calculating the fractions of a sentence of imprisonment ‘imprisonment for life’shall be reckoned as equivalent to twenty years. What is the actual duration of sentence of imprisonment for life and how do you explain the above two seemingly contradictory statements?
8. “Protagonists of the ‘an eye for an eye’ philosophy ‘demand for death’. The Humanists’ on the other hand press for the other extreme viz, death in no case.” Discuss.

Joint and Constructive Liability

1. “Section 34 is incorporated in the Indian penal Code to deal with the cases where it is very difficult to distinguish precisely the part taken by each individual in criminal act.”
While examining the rationality of this Section, support the answer with the help of decided cases.

2. Distinguish common intention from abetment and criminal conspiracy.
3. Discuss the rules regarding joint and constructive liability in Criminal Law. Do you find any distinction between similar intention and common intention?
4. The offence of riot is not committed unless all the five elements are present.
5. X group, consisting of seven persons, waylaid Y group of persons. In the fighting that ensued between the two groups A, a person belonging to the X group, was injured. Because of the injury A had to withdraw to one side and he took no further part in the fight that continued between the two groups. Sometime later a person belonging to the Y group was killed in the fighting. A along with other persons of the X group are prosecuted for the murder. Decide.
6. Can less than five persons be charged, tried and convicted for the offence of unlawful assembly?
7. Examine the statement that what is lawful if one may become unlawful when done by more than one acting in combination.
8. What is an ‘unlawful assembly’ as defined in the Indian Penal Code? When is a member of an unlawful assembly constructively liable for the crimes committed by other members of the unlawful assembly?
9. A, B, C, D and E broke into a house during night. A and B carried instruments useful for housebreaking, breaking iron chests, C and D carried knives, and E a revolver. As C was snatching a gold chain forcibly from an inmate, another inmate P pointed a gun at him. Before P could shoot, E shot him dead. All intruders escaped with the gold chain and other ornaments. Outside the house, a neighbour N attempted to catch hold of D, but D killed him by stabbing. What are the offences for which these five may be charged? Is it possible to plead the right of private defence with respect to killing of P?
10. The principle of joint action enunciated in Sec.34 of IPC is very different from the principle of abetment of offender. Discuss.
11. “The doctrine of combination in crime is that when two or more persons unite to accomplish a criminal object whether through physical volition of one or of all proceeding severally or collectively, each individual whose will contributed to the wrong doing is in law responsible for the whole, in the same way as through performed by himself alone.” Discuss.
12. The common object of an unlawful assembly was to cause grievous hurt to X. One of the members of the assembly causes death of X. For what of offence, if any, would the other members of the assembly be liable?
13. A, B and C broke into a locked house and started ransacking it. When a domestic servant raised alarm they threatened to kill him. He, however escape and cried for help.
A, B and C ran towards a taxi stand as they were pursued by a crowd. A, on being caught by one of the crowd, stabbed him. Discuss the liability of B and C.

14. Differentiate between liability founded on common object and then founded on common intention.

General Exceptions

1. Law recognizes that ‘mistake’ must be in good faith.’ In this backdrop, explain the defence of mistake contained under General Exceptions of the Penal Code.
2. “A man is not criminally responsible for unintended and unknown consequences of his lawful acts performed in a lawful manner, by lawful means with proper care and caution. Elucidate.
3. What is meant by right of private defence? What are the general principles which form the basis of right of private defence?
4. “Involuntary drunkenness a defence.” Critically examine the law relating to intoxication as defence.
5. X, the producer of a film showing life of ‘homosexuals’, is prosecuted under Section 292 of the Indian Penal Code, alleging that the film was obscene and indecent. The film was certified by the Censor Board of Film of India for public shows. X intends to claim protection against his charge under Section 79 of the Indian Penal Code. Can he do so? Justify your answer.
6. While driving car, suddenly became unconscious and fell back in his seat. The car became uncontrolled, it hit and killed Y. Discuss the liability of X.
7. Q refused to marry her boy friend P, resulting into P’s depression. Mr. R, a friend of P, suggested him to take revenge with the intention that P will come out of chock. R provided P with a bottle of liquid believing it as acid. R mistook X to be Q in darkness and threw it on her (X) causing rashes on the face of X, which later resulted into serious injuries. The investigations revealed that it was not acid but was a concentrate of fungicide. Decide the liability of P & R in this case keeping in mind that defences which may be available to P & R.
8. ‘The Indian Penal Code gives protection to one who does an act in good faith for the benefit of another.” Discuss.
10. “Right of private defence is available only against offences.” Discuss.
11. ‘A’ and ‘B’ were both security guards posted outside the home of a senior army officer, Mr. X. They often used to exchange hot words with each other in context to the other. On the day off Holi festival both of them had a verbal exchange due to the fact that both
wanted to go home early for festival, that led to altercation between the two, both of them instantaneously aimed their revolvers at each other respectively. ‘C’ who was also on duty with them intervened and pacified both of them. Both lowered their weapons respectively. The moment ‘B’ noted that ‘A’ had lowered his revolver, he immediately fired at ‘A’ and killed him. On being tried ‘B’ was awarded death sentence. However, on appeal High Court acquitted ‘B’ on the plea of self-defence. The State intends to go in for appeal in the Supreme Court against the decision of the High Court. Advise in the light of the case law on the subject.


13. Right of private defence can be exercised only against the offender.” Explain and discuss also the circumstances when even death can be caused of the accused in exercise of right of private defence of property.

14. A with the intention in good faith of saving human life and property, in a great fire, pulls down houses in order to prevent the conflagration from spreading it. A pleads that the harm to be prevented was of such a nature and so imminent as to justify or excuse his act. Decide, whether A has committed any offence?

15. Under what conditions may be defence of insanity be pleaded on behalf of an accused?

16. A soldier A fires on a mob by the order of his superior officer in conformity with the commandments of law.

17. A sees B commit what appears to A to be a murder. A in good faith seizes B in order to bring B before the proper authorities. Later on, it turns out that B was acting in self-defence.

18. Discuss the law relating to commencement and continuance of the right of private defence of property. When does the right of private defence of property extend to the causing of death?

19. “An act which is done by one against his will is not his act.” Discuss.

20. The defence of irresistible impulse has frequently been rejected in charges of murder.

21. “Nothing is an offence which is done by a person who is bound by law to do it.” Discuss.

22. “Mere medical insanity is not a valid defence under the Indian Penal Code but legal insanity is”. Discuss.

23. A, a pickpocket puts his hand in the pocket of B, a person who was reclining in the park. Incidentally the person had a pistol in his pocket and as the pickpocket put his hand in the pocket. It touched the trigger and the pistol went off killing the person. Is ‘A’ guilty of culpable homicide? Explain when culpable homicide does not amount to murder with the help of illustrations and decided cases.
24. On what grounds can a person committing any harm on a consenting individual be not punished? Is there any limit to the harm or can it to be a harm to any extent?
25. “Under the Indian Penal Code there is no right of private defence in cases in which there is time to have recourse to the protection of public authorities.” Examine.
26. A, with a known background of sleep-walking got up from sleep one night, walked to the garage while asleep and drove away in his car in that condition for quite some distance. He halted the car at his brother-in-law’s place, entered the room where his brother-in-law was asleep and gave a hard blow to him thereby severely injuring him. In a prosecution for attempt to commit murder A’s lawyer pleads non-insane automatism, on the basis of which he seeks an acquittal. Decide. Do you think that this case should be dealt with under sec. 84 of the Indian Penal Code?
27. Amplify the view that our penal law does not recognise insanity that affects our emotions which prompt our actions, and the will by which our actions are performed.
28. The law relating to murder recognises the principle that “anger is a passion to which good and bad men are subject, and mere human frailty and infirmity ought not to be punished equally with ferocity or other evil feeling.” Elucidate.
29. Explain how far the minority of the accused person may be pleaded as a ground of defence in a criminal prosecution.
30. Killing another in excessive self-defence but without premeditation is not murder.
31. Under what conditions may the defence of insanity be pleaded on behalf of an accused?
32. A entered a closed dense forest area with unlicensed gun for ‘Shikar’ (gaming) and after going quite deep into it, fired a gun shot, feeling movement and voice as if of some animal behind the bushes. However, a man X who was collecting firewood got hit and killed. On murder charge against A, defence takes the plea of accident. Decide.
33. ‘The only exception that justifies a person to participate in crimes is a reasonable fear of instant death, not a mere threat, which may or may not be carried into execution, but a threat that precedes action and an action which can only be averted by associating in the crime’. Explain.
34. “It is not every kind of idle and frantic humour of a man or something unaccountable in his actions, which will show him to be such a mad man as is to be exempted from punishment but where a man is totally deprived of his understanding and memory and does not know what he is doing any more than a wild beast. He will properly be exempted from punishment of law”. Explain.
35. A attacks B with a stick. In order to defend himself, B takes out his pistol but before he could fire a shot, A kills B by hitting his head with a heavy stone. A takes the plea of self-defence. Will he succeed? Give reasons.
36. A enters the house of B and takes away B’s imported gold wristwatch worth Rs. 5,000. After a month B sees A with the watch at a dinner party and identifies the watch he had, as his. B claims the watch from A, who immediately tries to run away. B pursues him and shoots at him with a pistol. A is killed. B is charged under Section 302 IPC for murder of A. B takes the plea of right of private defence. Is B’s contention valid? Discuss and refer case on the subject.

37. Comment on ‘Harm caused in good faith for a person’s benefit even without his consent is no offence’.

38. Which offence has A committed in this case

A was living with his father in a railway quarter. His sister B, and her husband G also live with them in the same quarter. As G come to suspect that his wife, B, was carrying on with another person he shifted to another house but B refused to accompany him. Their relation were there fore, strained. After some days G and his three friends went to the residence of A’s father with the intention of forcibly taking B to G’s new house. G went into the aforesaid quarter and the three friends stood outside. While A and his father were talking to G’s three friends asking them not to interfere in other people’s affairs, G came out dragging B, his wife, who was refusing to go with him. She caught hold of the door and would not move. A tug-of-war ensued between them. Both A and his father a sked G not to force her but G was adamant whereupon. A took out a knife from his pocket and stabbed G who died as the knife penetrated his heart.

39. W, the married sister of A, living in her father’s house was forcibly dragged out by her husband with a view to abducting her. W clung to the door and would not go and a regular tug of war followed. At this A, the brother of W, took out a knife from his pocket and stabbed the husband once but the knife penetrated into the heart and the husband fell down senseless, and immediately afterwards, he died in the hospital.

A contends that he has only exercised the right of private defence of person and is protected by Clause (5) of Section 100 of the Indian Penal Code and under restriction of Section 99. The prosecution maintains that the right of private defence in this case was not covered by Clause (5) of Section 100 and that the right of private defence of person does not extend to the voluntary causing of death to the assailant and, therefore it was exceeded.

40. Write a short judgment deciding the points.

How far is insanity a defence in a criminal case.? Discuss the law on the subject.

Conspiracy & Abetment

1. "The law making conspiracy a crime is designed to curb immoderate power to do mischief which is gained by a combination of the means." Explain.
2. “Section 124A of the IPC dealing with sedition is ultra-vires of the Constitution insofar as it seeks to punish merely bad feelings against the Government. It is an unreasonable restriction on freedom of speech and expression guaranteed under Article 19(1)(a) and is not saved under Article 19(2) of the Constitution by the expression “in the interest of public order”. Comments.

3. “To constitute the offence of criminal conspiracy the must be an agreement to do, or cause to be done, an illegal act, or an act which is not illegal by illegal means.” Critically examine.

4. The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.” Explain and illustrate.

5. “There may be an element of abetment in a conspiracy but conspiracy is something more than an abetment.” Discuss with illustrations.

6. “An abetment of an offence being a complete offence by itself, an attempt of abetment of an offence is also an offence.” Examine.

7. “To constitute the offence of conspiracy there must be an agreement of two or more persons to do an act which is illegal or which is to be done by illegal means for one cannot conspire with oneself.” Discuss.

8. X strikes Y with a stick. Y is by this provocation excited to violent rage. Z, a bystander intending to take advantage of Y’s rage and to cause him kill X, puts a knife into Y’s hand for that purpose. Y kills X with that knife.

What offence is committed by Y and Z ? Explain and discuss with reasons.

9. “Whenever an illegal omission of an act is abetted, the same may amount to an offence although the abettor may not be bound to do that act.” Discuss.

10. “The law of criminal conspiracy insists on an agreement between two or more persons whereas in abetment by conspiracy a mere engagement between them may be sufficient.” Discuss.

11. The appellant along with the other three named accused were charged under Sec 120-B criminal conspiracy read with Sec 471 and Sec 420 IPC for conspiring to use forged documents and thereby induced the controller of imports to grant import licences. The magistrate acquitted all accused persons on all charges. The High Court on appeal reversed the acquittal of the appellant and convicted him for the substantive offence as well as conspiracy to commit such offence under Sec 120-B of the Indian Penal Code. Do you advise the appellant to appeal to the Supreme Court? Give reasons.

12. “Whereas in criminal conspiracy an agreement between two or more persons is needed, in abetment by conspiracy an engagement between them is enough.” Examine.

13. Examine the following statements: (i) Instigation of minor to commit suicide amounts to abetment of murder.
14. What is the distinction between ‘conspiracy’ and ‘abetment by conspiracy’? When is an abettor liable to the same extent as the principal offender?

15. A, B and C agree to kill X. With the money given by A, B and C purchase two revolvers, go to the residence of X, and both shoot at him. X dies. It is not known whose shot actually killed X. For what offence may A, B and C be charged?

Offences against Human Body

1. “There is a very thin but fine and subtle distinction between culpable homicide and murder. The difference lies merely in the different degrees of probability of death ensuing.” Discuss the statement and refer to decide cases.

2. Discuss the different forms to outrage the modesty of a woman which have been made punishable in the Indian Penal Code through the Criminal Law (Amendment) Act, 2013.

3. “Culpable homicide is not murder, if it is committed without premeditation, in a sudden fight in the heat of passion”. Critically examine the statement with leading case.

4. Explain with the help of decided cases as to when Culpable Homicide under Section 299 (3) will become Murder under Section 300 (4) of Indian Penal Code.

5. A’ assaulted his wife by kicking her repeatedly on non-vital parts of her body. She fell down and became unconscious. In order to create an appearance that she had committed suicide he took up the unconscious body and thinking it to be a dead body hung it up by a rope. The post mortem examination showed that death was due to hanging. With the help of decided cases determine the culpability of A.

6. Distinction between death caused by rash or negligent act under section 304-A and culpable homicide not amounting to murder under section 304 of the Indian Penal Code is fine, but if overlooked, can result in grave injustice.” Discuss.

7. “Fake police encounters are nothing but murders and police officers committing it without any protection of law to them deserve death penalty as the cases fall into rarer of the rarest category.” Comment.

8. “Culpable homicide is the genus and murder is species, and that all murder are culpable homicide but not vice versa.” Discuss in the light of legal provisions and some decided cases.

9. “The recent Criminal Law (Amendment) Bill, 2011 seeks to replace ‘rape’ by the term ‘sexual assault’ in the IPC and intends to make rape a gender-neutral offence in the country.” Examine whether this is appropriate.

10. The accused (appellant) was separated from his wife. She was living with her father. The accused was keeping their youngest child with someone else. During the noon of a day, his wife took away the child from that someone. The accused, on hearing this,
reached his father-in-law’s place and quarrelled. Later in the evening of the same day, the accused and his father-in-law happened to meet at a marketplace. They again, quarrelled, grappled with each other. Both fell down. In the heat of passion thus generated, the accused stabbed his father-in-law and he died. Discuss in the light of legal provisions whether the accused would have any lawful defence in this case.

11. An army jawan X who was away from his home for the last two years, requested his senior Y for leave, which Y refused. Annoyed at this, X fired two shots at Y, one shot hitting Y beneath the knee of the right leg as a result of which he fell down. X fired another shot which hit Y at the upper left arm. Y died after 10 days. Discuss the liability of X.

12. ‘A’, a minor girl leaves her parents House because of ill treatment and lives with ‘B’, her friend. Can he (B) be prosecuted for kidnapping?

13. Distinguish between culpable homicide and causing death by rash or negligent act.

14. The Supreme Court of India in a recent judgement pronounced, “Doctors cannot be held criminally liable under section 304A of the IPC unless they are ‘grossly’ rash or negligent in performing their duties”. Is the judgement in favour of doctors or is it against the poor and illiterate patients in our country? Give your views with reasons.

15. Discuss, “attempt to commit suicide”, referring to the decisions of the Supreme Court on the Constitutional validity of Section 309 of the Indian Penal Code.


17. A without any excuse, fires a loaded pistol into a crowd of persons and kills one of them.

18. “The question as to how is a court to determine as to whether a bodily injury intentionally inflicted by an accused is likely to cause death or not depends on many factors.” Discuss.

19. X, a girl of 14, is ill-treated by her father and step mother. ‘A’ the neighbour under the belief that X was 18, takes her away from her parent’s house on her request but without the consent of the parents. Is he guilty of any offence? If yes analyse the nature of the offence and cite relevant cases.

20. A promises to B, his student and induced her to cohabit with him. He has given her a false assurance of marriage and also fraudulently gone through certain ceremonies of marriage making B to believe that she was a lawfully wedded wife of A. Later A refused to recognise her as his wife. What is the offence committed by A? Explain its ingredients.
21. X shakes his fist at Z so as to cause reasonable apprehension in the mind of Z that she would be hit.

22. X has sexual intercourse with his wife without her consent.

23. X takes Y a girl of 13 years of age without her knowledge to Mumbai to send her to Dubai to handover for marriage to a Sekh over there and dispatches her to Dubai for the above purchase.

24. ‘A’ intentionally attacks ‘B’ while doing so ‘A’ does not know that ‘B’ is suffering from an enlarged appendix. The blow falls on the appendix as a result of which the appendix bursts and ‘B’ dies. Discuss A’s liability.

25. The Accused picked up a revolver and believing it to be loaded pulled the trigger with the criminal intention of shooting B dead. Fortunately for B, the revolver was not loaded and he escaped unhurt. What offence, if any, has the accused committed? Is it open to the accused to contend in his defence that when the intended offence was physically impossible of being accomplished on the facts as they turned out to be ultimately, he is entitled to a verdict of acquittal?

26. The Accused succeeded in getting a decree of restritution of conjugal rights in his favour, but his wife, who was living seperately with her parents, refused to rejoin him. He thereupon went to his in law's place and there he had sex with his wife without her consent. The wife desires to have her husband criminally prosecuted for the offence of rape and seeks your legal advice. What advice will you give her.

27. In the scheme of the penal code, “culpable homicide” is genus and “murder” its species. All murder is culpable homicide but not vice-versa. Supreme Court in state of A.P. vs. Punnayya - 1977 CH. L.J.I. (S.C.). Discuss and illustrate.

28. What changes are incorporated in the law dealing with the ptence of rape in the recent past?

29. Examine as to whether a person who causes death of a pregnant woman is guilty of committing one homicide or two.

30. When a man said to commit the offence of rape.

31. P, aged 17 years, the daughter of Q, develops friendship with R, a young man living in neighbouring house. She wants to marry him. On learning this, Q takes her and entrusts her to S, a relative living in a different part of the same city. Shortly thereafter, P goes out of S’s houses and calls R on the telephone. R joins her and both go to a temple and go through a ceremony of marriage. Then both go from place to place for some days as husband and wife until the police arrest them on a complaint of kidnapping given by Q. R is prosecuted for the offence of kidnapping with intent to compel P to marry. Can R be held guilty of the offence?

32. “To hold an accused guilty of murder unffer Clause (3) of Section 300 of the Indian Penal Code the prosecution must prove that there was an intention to inflict that
particular injury, that is to say that the injury was not accidental or unintentional or that some other kind of injury was intended, and that particular injury was sufficient in the ordinary course of nature to cause death.” Examine.

33. “Clause(4) of Section 300, Indian Penal Code, defining murder, cannot be applied until it is clear that Clause 1, 2 and 3 of the section each or all of them fail to suit the circumstances.” Examine the above statement with the help of decided cases.

34. ‘A’ enticed a minor girl ‘M’ without the consent of her lawful guardian ‘G’ and kept her with him for a month after which he deserted her. While ‘M’ was witering on the street immediately thereafter, ‘B’ took her with him from whose custody ‘M’, was later recovered by the police.
Examine the above statement with the help of decided cases.

35. Inspite of recent amendment in the law, the definition of “rape” with IPC leaves certain loopholes making it difficult to secure convictions. Critically evaluate this statement.

36. Assuming that the accused person had no intention to cause the death of the deceased, but had only the intention to cause bodily injury. Explain when the accused may be held guilty of murder, culpable homicide not amounting to murder, or only voluntarily causing grievous hurt.

37. A and B were married in 1988. A had been deserting B all along to bring from her parents money for him to buy a scooter and even subjecting her to cruelty. One day he gave her a severe thrashing on this account and left the house. When he returned home two hours later, he found her dead, having consumed cyanide poison. Here reported the death to the police as a case of suicide due to some personal ailment. The police prosecuted him for dowry death, and in the alternative for abetment of suicide. At the trial he did not produce any evidence of ailment from which she suffered. For what offence can he be held guilty?

38. Discuss A’s liability in the case and refer to relevant statutory provisions and judge decisions:
A hit B, a haemophiliac, on his right shoulder with a broken soda water bottle which had very sharp edge B dies of excessive loss of blood in consequence. Evidence brought on record to show that A had not caused the injury with the intention of causing B’s death and that A is not know that B was suffering from haemophilia.

39. “The whole doctrine relating to provocation depends on the fact that it causes, or may cause a sudden and temporary loss of self control whereby malice which is necessary for the formation of intention to kill or to inflict grievous bodily harm, is negatived.”

40. X was in desperate poverty and tried to persuade his wife to go to her mother’s house. She refused and said that if X insisted, it was better that she was killed. After asking her 2-3 times if she did not want to leave, X cut her with a pen knife and killed her is X liable criminally and if so, for what offence?
41. The definition of “murder” and “culpable homicide”, have been described by Stephen, as “the weakest part of the (Indian Penal) Code”. Critically examine the distinction between the two offences. Point out these aspects of the two definitions which exhibit the weakness referred to. Give examples in support of your answer.

42. A, a snake charmer repeatedly asserts in his performance that he is immune from all kinds of snake poison. He reveals the fangs of . One of his own snakes to the audience and gets himself bitten by them several times. One of the spectators produces a snake and challenges the performer to repeat his performance by being bitten by the new snake. The snake charmer repeats the performance by being bitten by the new snake. As a result of the snake bite the snake charmer dies. Discuss the criminal liability of the spectator, if any.

43. Examine the liability of the accused in the following case and point out the offence, if any committed:
M, a girl of about 17 years of age, was in love with the accused, a widower who wanted to marry her. M’s mother was agreeable to the accused’s proposal but her father did not like his daughter getting married to a widower. One day when the father had gone out on a tour for four days the accused took M away with her mother consent so that they could get married at another place.

44. Distinguish between
(a) Abduction and kidnapping;
(b) Culpable homicide and murder

45. Assuming that the accused person had no intention to cause the death of the deceased, but had only the intention to cause bodily injury, explain when the accused may be held guilty of murder, culpable homicide not amounting murder, or only voluntarily causing grievous hurt.

Offences Against Property

1. In all robbery, there is either theft or extortion. Explain.
2. Whether the conduct of depriving someone from possession of property without causing wrongful gain or wrongful loss amount of theft? Comment.
3. Criminal breach of trust and cheating are two distinct offences generally involving dishonest intention but mutually exclusive and different in basic concept.” Explain with the help of decided cases.
4. The natural calamity in Uttarakhand left hundreds dead. Some people were seen removing gold ornaments, watches and other valuables from these dead bodies. Few
days later, police apprehended them and wanted to prosecute them. Under which provisions of the Indian Penal Code can they be prosecuted? Discuss.

5. A contractor was given cement for construction work by the Minor Irrigation Department of a State Government under a specific agreement that he would return unused cement but instead of doing so, he sold the cement to outsiders. Mentioning relevant legal provision, discuss what offence, if any, is committed by the contractor.

6. X finds a valuable ring on the street and immediately sells the same for using the money to buy a computer.

7. “A partner has undefined ownership along with another partners over all the assets of partnership and if he chooses to use any of them for his own purposes, he cannot be held guilty of Criminal Misappropriation of Property. Examine.

8. What is meant by ‘stolen property'? When is receiving stolen property an offence?

9. A hang his umbrella at dub coonter at 5 p.m. on 29-7-87 but it was not there when he wanted to be back home at 9 p.m. He was upset by this loss and decided that he would take away the umbrella of some one else next day. When he was leaving the club next night, he saw an umbrella on the hanger and took it away. In fact, the man at the counter had kept A’s umbrella under the counter on 29-7-8,7 while leaving for home, considering that some member had forgotten to collect back and he had put it up on the hanger next evening. Is A liable for attempt to commit theft in this case?

10. A gives a piece of cloth to B, a tailor for making a suit for him. On demand B refuses to handover the stitched suit unless A paid the stitching charges. A looks for the opportunity and takes away his suit without the knowledge of B. Examine Criminal Liability of A’.

11. In execution proceedings on a money decree against X, court ordered attachment of moveable property of X. X and A were living in one house. One buffalo of A was standing in common compound of the house. Bailiff under a mistaken belief attached this buffalo. While Subedar was taking the buffalo away, A struck the animal with a stick and took it away to his fields. Discuss the liability of A’.

12. Define the offence of “theft”.

13. Distinguish theft from “robbery” and “extortion”.

14. When may a man be said to commit theft of his own property?

15. State precisely the ingredients of the theft. [1978 10(c)(ii)]

16. Raman puts jewels in the handbag of Raman, his erstwhile girl friend whojilted him, with the intention that they may be found in that bag and that this circumstances may cause her to be prosecuted for theft. What offence, if any has been committed by Raman.

17. A cuts down a tree on B’s ground with the intention of dishonestly taking the tree out of B’s possession without B’s consent.
Extortion, Robbery & Dacoity

1. In all robbery there is either theft or extortion.” Explain. A holds Z down, and fraudulently takes Z’s money and jewels from Z’s person without Z’s consent and for this purpose he causes a wrongful restraint to Z. Discuss A’s liability.

2. What is meant by ‘extortion’? Explain its ingredients and distinguish between ‘theft’ and ‘extortion’.

3. An assistant sub-inspector A and a head constable B barged into the house of C, a businessman where he (C) was playing cards along with his six friends. A and B directed the card players to take out their wallets, threatening to take them to the police station. Apprehending registration of a case under the Gambling Act, all of them parted with Rs. 10,500/- in all. What offence have A and B committed?

4. A boatman gets hold of gold ornaments from the body of a person who had drowned. A police constable takes away the same after slapping the boatman. The constable does not enter the same in the records and dishonestly keeps them with himself. Discuss the criminal liability of the constable.

5. A, in association with B, relieved C of his watch in a running train, and when A and B tried to get down from the train C raised an alarm whereupon B slapped him. Discuss the liability of A and B.

6. Avinash boarded train at Chakarpur. Ram, Kulwant and Rahim got into this train at Zikarpur. When passengers started getting down at Tanakpur, Avinash was forceibly relieved of his watch by Ram. When he raised alarm against this loss, Kulwant gave him a slap and Rahim a stick blow and then hurried away following Ram. For what offence(s) they are liable? Give reasons in support of your reply.

7. What do you understand by Extortion? When does it amount to dacoity?

Cheating

1. A cheque issued by X on his Bank having knowledge about insufficient funds in his account.

2. P, a girl was married to S and a dowry of more than Rs. 60,000/- in form of ornaments, clothes, etc. were given by P’s father at the time of their marriage. The possession of the entire dowry was taken by S, his father and brothers. Subsequently P was turned out by S, his parents and brother without returning her ornaments and clothes etc. Repeated demands were made and ultimately they refused to return. P filed a complaint that S and his parents were wilfully detaining the entire articles including ornaments and clothes, which were given to them by P’s father at the time of her marriage, were dishonestly using and converting the articles to their own use and were still in
possession of those articles which belonged to her exclusively. In defence, it was argued that the accused had become co-owners of the entire property, hence they are not liable to return. Decide.

Trespass

1. “The facts must support the implication from occupier's conduct that he has permitted entry, not merely tolerated it, for knowledge is not tantamount to consent.” Discuss with reference to the liability of the occupier towards a licence. Is it in any way different towards a trespasser? Explain.

2. Under a deed containing complicated provisions, a person gifted his house to a charitable trust, but retained a right to live in that house for his lifetime. He invited a friend of his to live with him in the house. The person died, and the friend continued to live in the house. When the trust demanded the friend to vacate the house, he replied that the deceased had given to him a right to live in the house for the rest of his life. The trust instituted a criminal complaint against the friend of the deceased for house trespass. Will the trust succeed?

Defamation

1. X sends an e-mail to Y containing defamatory matters against him. The e-mail is received by Y who deletes it after reading. Is X liable for publication? Refer to relevant case law.

2. X told Z that Y is suffering from AIDS though the statement is not true. How do you distinguish the following? What reason can be attributed for the difference?

3. Y alleges that X, a Government servant, sought a bribe from him. Y writes to X’s superior complaining against X. He follows it up by sending copies of the complaint to some Members of Parliament and representatives of the press. X, denies the truth of the allegation. Can X sue Y for defamation and on what grounds?

Preparation & Attempt

1. “In order to constitute criminal attempt, the act, caused must be proximate to the intended result.” Explain the observation with the help of decided case law.

2. Discuss various stages of crime. How is the stage of attempt punishable under the Indian Penal Code?
3. “Offence does not happen all of a sudden, it passes through some stages.” Discuss and distinguish between preparation to commit offence and an attempt to commit an offence.

4. How do you differentiate preparation from an attempt at commission of a crime? ‘To be guilty of an attempt it is not necessary that the circumstances should be such as would facilitate the completion of the crime.’ Comment what is the punishment prescribed for a criminal attempt?

5. ‘An attempt to define attempt has to be a frustrating exercise’. “Discuss”

6. What are the four stages of crime? Distinguish Attempt from preparation.

7. (a) Define “attempt” to commit an offence.
    (b) Roy drew a loaded revolver completely from his pocket, but his arm was seized by Paul before he could take any aim at Paul. While they were struggling, Roy said several time to Pau, “You’ve got to die”.
    (i) Can Roy be convicted for attempted murder?
    (ii) Would it make any difference if the revolver was not loaded?

Prevention of Corruption Act, 1988


2. Explain the various circumstances under which a ‘public servant’ is said to commit the offence of “Criminal misconduct” under ‘The Prevention of Corruption Act, 1988.’

3. “Prevention of Corruption Act, 1988 is an important legislation to safeguard democracy in India.” Discuss.

4. Define and discuss the ingredients of “corruption” as given under the provisions of the Prevention of Corruption Act, 1988.

5. When is a public servant said to have committed an offence of criminal misconduct as defined in the Prevention of Corruption Act, 1988? Discuss referring to some decided cases.

6. ‘Prevention of Corruption Act, 1988 has many lacunae leading to undesirable consequences, which call for immediate requisite amendment to the Act.’ — Critically examine the above statement and suggest reasons for such amendment, if any.

7. “Whether a public servant is guilty of criminal misconduct under the Prevention of Corruption Act, 1988 or not is not an easy question for the courts to determine.” Discuss.

Protection of Civil Rights Act, 1955 and Subsequent Legislative Developments

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2. “The enforcement of any disability arising out of 'Untouchability' shall be an offence punishable in accordance with law.” Comment in the light of protection of Civil Rights.

3. “The enforcement of any disability arising out of untouchability is to be an offence punishable in accordance with law.” Comment upon this statement and discuss in this context the scope of protection of Civil Rights Act, 1955.

4. What are the ‘Civil Rights’ as defined by the Protection of Civil Rights Act, 1955? Enumerate the offences prescribed under the Act.

5. Critically examine the provisions of The Protection of Civil Rights Act, 1955’ and highlight the deficiencies, if any, in the said law.

6. What are the changes that were brought to the Untouchability Act of 1955?


8. Discuss in detail the various provisions under section 7 of the Protection of Civil Rights Act, 1955 with respect to punishment for other offences arising out of untouchability.


10. A hotel refuses to serve food to certain classes of persons unless they sit in a separate place earmarked for them.

Plea Bargaining


2. “Plea bargaining, which was considered unconstitutional, illegal and tending to encourage complaint, collusion and pollution of the pure punt of justice, is now a part of sentencing under the Indian Criminal Law.” Comment.

3. Critically examine the concept of ‘plea bargaining and evaluate its scope in India.

Miscellaneous

1. The accused, one of the two joint owners of a shop, put her lock on the shop which was let out by another joint owner without her consent. The tenant charged the accused with the offence of wrongful restraint in that he was prevented by the lock...
from entering into the shop. Discuss in the light of legal provisions whether the accused has committed the offence of wrongful restraint.

2. “Merely doing certain acts that would bring the government established by law into hatred or contempt is not the decisive ingredient of Sedition.” Discuss. Also state the view of Law Commission of India about reforms on this provision.

3. “It would be wrong to perceive nudity and sex as essentially obscene, indecent or immoral. Sex and obscenity are not always synonymous.” In the light of above statement elaborate the position of obscenity as an offence in India.

4. Discuss the law relating to criminal intimidation Refer to case law. In what way is extortion different from criminal intimidation?

5. Do you find it is necessary to convict the accused both under Section 304-B and Section 498-A of Penal Code? Refer to recent cases.

6. Explain the ingredients of the offence of criminal misappropriation of property and distinguish this from criminal breach of trust.

A sees Z drop his purse with money in it. A picks up the purse with the money in it. A picks up the purse with the intention of returning it to Z, but afterwards appropriates it for his own use. Has a committed any offence? Discuss.

7. When an offence of ‘adultery’ is said to be committed? Whether a wife may be punished for the offence of adultery as an abettor? Distinguish between the offences of ‘rape’ and ‘adultery’.

8. “The constitutional validity of Section 124A of Indian Penal Code was questioned in Kedar Nath Singh on the ground of the provision of the section being in violation of freedom of speech and expression.” Briefly discuss the contentions and give reasons for or against the decision in the said case.


10. A finds a ring on the highway not in the possession of any one person. A picks it up.

11. X husband of W, cohabits with Z.

12. X burns a share certificate of Z due to which she suffered mental agony in addition to financial loss.

13. A and B are hindus and are married under the HMA, 1955. During the subsistence of their marriage A, the husband, embraces Islam and goes through a second marriage ceremony with C, his girlfriend. On the complaint of B, wife of the first marriage. A is prosecuted for the offence of bigamy u/s 494 of the IPC. Decide, citing relevant case law.

14. A takes B by the collar and pushes him down the hill.

15. How do you distinguish between wrongful imprisonment and wrongful restraint? Explain with illustrations.