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3 SEM LLB IPC 1(N)

2015

(December)

LAW

(Indian Penal Code)

Paper : 3·1

New Course

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Discuss the liability founded on common intention and that founded on common object under India Penal Code, 1860. 12

Or

What are the elements of Crime ? Write detail note on causation of crime. 12

2. What do you mean by Private defence ?
When the right of Private defence of the
body extend to causing death ? Write with
illustration and decided cases. 4+8

Or

Elucidate the various provisions relating to
exemption granted to minors and insane
persons. Write down the effect of
unsoundness of minor during trial. 12

3. Define rape with its ingredients. Can a man
be guilty of the offence of rape against his
own wife ? 6+6

Or

Define Murder. Distinguish between
Culpable homicide and murder. — 4+8

4. State briefly Criminal misappropriation of
Property and criminal breach of trust. 12

Or

Answer **any two** : 6+6

- (a) Define Theft and write its essential
ingredients.

(b) Distinguish between Robbery and Dacoity

(c) Write note on extortion

5. Briefly discuss the different offences against state. 12

Or

Define the term 'Public Tranquility'.
Distinguish between Rioting and Affray.

4+8=12

6. Answer the following :

(i) If Actus non facit recen nisi mens siti rea is a cardinal principle of Criminal law, then which one of the following statements correctly reflects the above principle. 1

(a) Mens rea is an essential element of a crime and there cannot be crime without mens rea.

(b) Criminal Liability under the Indian law always implies mens rea.

(c) To constitute a crime there must be actus reces and mens rea.

(d) Actus rea is not always necessary to constitute crime.

(ii) 'X' instigates 'Y' to commit murder of 'Z'. 'Y' in consequence stabs 'Z' but 'Z' survives the wound. 'X' is guilty of

(a) Murder 1

(b) Attempt to murder

(c) Abetment to Murder

(d) Abetment of Murder

(iii) The essence of Sedition is 1

(a) Intention

(b) Benefits or gains of the accused

(c) Result

(d) Both intention and result

(iv) 'A' has knocked down two teeth of 'B'. 'A' has committed the offence of

(a) Grievous Hurt 1

(b) Culpable Homicide

(c) Simple Hurt

(d) Attempt to Hurt

(v) 'A' sees 'B' drowning but does not save him. 'B' is drowned. 'A' has committed

(a) The offence of Murder 1

(b) The offence of Abetment of Suicide

(c) The offence of Culpable Homicide not amounting to Murder ✓

(d) No offence.

(vi) Inducing person with dishonest intention to part with his property by putting him in fear of physical injury amounts to an offence of 1

(a) Criminal Intimidation

(b) Extortion

(c) Criminal Misappropriation

(d) Theft

(vii) 'X' an employer deducts a certain percentage from the salary of his employee telling that it is their contribution to the Provident Fund but fails to credit it in the fund 'X' commits

- (a) Criminal breach of Trust 1
- (b) Criminal Misappropriation
- (c) Theft
- (d) Cheating

(viii) Nothing is an offence which is done by a person who is of 1

- (a) 16 years
- (b) 6 years
- (c) 18 years
- (d) 21 years

(ix) Every person has a right to defend his own body. 2

- (a) against any offence affecting the human body
- (b) and the body of his friend, against any offence affecting the human body

- (c) and the body of any person, against any offence affecting the human body.
- (d) and the body of his blood relatives against any offence affecting the human body.

7. 2×5=10

- (a) Define crime.
- (b) What is mistake of fact ?
- (c) Define Affray with relevant section.
- (d) What are the essential elements of theft ?
- (e) Define criminal force with an example.
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