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2 SEM LLB(N) 4 LOCr 1

2010

(July)

**LAW OF CRIMES - I**

(New Course)

Paper : 204

Full Marks - 80

Pass Marks - 32

Time - Three hours

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

Answer any *five* questions.

1. (a) What do you understand by "good faith" ?
- (b) How far good faith is a good defence in an action under the Indian Penal Code ?

- (c) A, a Kaviraj, uneducated in surgery, operated on B for internal piles by cutting them out with an ordinary knife. B died from haemorrhage. He had performed similar operations on previous occasions. Did A act in good faith?  $6+6+4=16$

2. (a) "Where, on a sudden and extreme emergency, one or other of two evils is inevitable, it is lawful so to direct events that the smaller shall occur."

Explain and illustrate with reference to the relevant provisions of the Indian Penal Code.

- (b) A and B, swimming in the sea after a shipwreck, get hold of a plank not large enough to support both. A pushes off B. B is drowned. What offence has been committed by A?  $8+8=16$

3. (a) When does the right of private defence of property extend to the causing of death?

- (b) When does the right of private defence of property commence and how long does it continue?

- (c) A thief enters A's house and opens his almira. A raises an alarm and the thief beats a retreat. While the thief is still in the house, A fires at him and kills him. Has A committed any offence ?  $6+6+4=16$
4. (a) When is a person said to abet the doing of a thing ?
- (b) Distinguish between abetment and criminal conspiracy.  $10+6=16$
5. (a) Define unlawful assembly. When does an unlawful assembly amount to riot ?  $6+2=8$
- (b) Define affray. Distinguish between rioting and affray.  $4+4=8$
6. (a) State whether the following amount to defamation :
- (i) to impute anything to a deceased person.
- (ii) to make an imputation concerning a company or an association or collection of persons as such.  $2+2=4$

- (b) A, a shopkeeper, says to B, his manager, "sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." Is A guilty of defamation? 4
- (c) A and B conspire to draw up a document defaming Z and leave it with B. Are A and B or any of them guilty of defamation? 4
- (d) A says, "Z is an honest man, he never stole B's watch," intending to cause it to be believed that Z did steal B's watch. Is A guilty of defamation? 4
7. (a) What is a property mark? How would you distinguish between trade mark and property mark? 2+6=8
- (b) What do you mean by "using a false property mark"? What is the punishment for using false property mark? 4+4=8
8. (a) Define giving false evidence and fabricating false evidence. 4+4=8

(b) Distinguish between

(i) giving false evidence and fabricating false evidence and

(ii) giving false evidence and giving false information.  $4+4=8$

9. What are the different stages of crime? How are each of these stages punishable?  $4+12=16$