



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2021**

**Course: Law of Crimes**

**Semester : III**

**Program: B.A.,LL.B.CL/LL/CI, BBA LL.B. Corp**

**Law, /ITIL/BFIL , B.COM. LL.B. /B.A.LL.B. EL**

**Duration : 03 hrs.**

**Course Code: 2002**

**Max. Marks: 100**

Instructions:

**SECTION A**

*(Type the answers in test box)*

5Qx2M=10 Marks

*Objective Type Questions/Definitions/fill in the blanks*

Q. No.		Marks	CO
1	Explain the latin maxim 'Ignorantia facti excusat, ignorantia juris non excusat' with the help of suitable examples	2	CO1
2	Define the term Good Faith.	2	CO1
3	Define Voyeurism.	2	CO1
4	What is 'Locus Poenitentiae Test'?	2	CO1
5	How and when theft becomes robbery?	2	CO1

**SECTION B**

*(Scan and upload)*

(Conceptual based question)

4Q x5M=20 Marks

Q. No.		Marks	
1	“There is a presumption that mens rea is an essential ingredient in a statutory offence, but this presumption is liable to be displaced either by the words of the statute creating the offence or by the subject-matter with which it deals.” Elaborate this statement with the help of decided cases.	5	CO2
2	Both sections 34 and 149, IPC, deal with issues of constructive liability. There are, however, differences in the scope and nature of operation of the two offences. In view of this, carry out the distinctive features of both the sections with the help of judicial pronouncements.	5	CO2
3	Explain and define 'Abetment of a thing'. How abetment by conspiracy is different from the offence of conspiracy?	5	CO2

4	When the right of private defence of the body extends to causing death? Enumerate the conditions and limits within which the right of private defence can be exercised.	5	CO2
<b>SECTION-C</b> <i>(Scan and upload)</i> (Descriptive/Analytical Questions)			
		2Qx10M=20 Mark	
Q.No.		Marks	CO
1	<p>Distinguish between the criminal misappropriation and criminal breach of trust.</p> <p><b>Problem:</b> B instructed A, a jeweller to make a gold chain and delivered to him 3 gms of gold for making the chain. A did not make the chain but converted the gold to make a necklace for his own daughter. Can A be prosecuted for any offence? Analyze &amp; decide with the help of relevant provisions.</p>	10	CO3
2	<p>Differentiate between the law of kidnapping and abduction.</p> <p><b>Problem:</b> Sheenu, a girl of sixteen, left her parental home because of the ill-treatment of her step-mother. On way she met a friend Ankit from her school, to whom she narrated her story of sufferings. He persuaded her to return to her parents with the promise that he will contact her after he gets job. Sheenu leaves her phone number and residential address with him. On his persuasion, Sheenu went back to her home. After month or so, she called Ankit and was happy to know that he had got a job. Both of them decided to meet and at a meeting Ankit promised to marry her. Finally she of her own decided to walk out of the house and directly proceeded to Ankit's house and started living with him. They eventually decided to marry, but before marriage could happen, Ankit was arrested on the complaint filed by the parents of Sheenu for the offence of kidnapping. Can Ankit be held liable for kidnapping if Sheenu? Analyze &amp; decide with the help of relevant provisions and case law.</p>	10	CO3
<b>SECTION-D</b> <i>(Scan and upload)</i> (Case Studies/ Application Based Questions)			
		2Qx25M =50 Marks	
Q.No.		Marks	CO
1	<p>Does sexual intercourse on the pretext of a false promise of marriage amount to rape? Critically examine and evaluate it with the help of decided case laws.</p> <p><b>Problem:</b></p> <p>'G' a girl of 13 years was allowed by her father 'F' to be taken away by relatives of her</p>	25	CO4

	<p>elder sister to look after her elder sister for some time. 'F' wrote two letters to them after some time to send back 'G', but he got no reply in return. Later on 'F' received the information that they (relatives of G's elder sister) have got 'G' married to 'A'. 'F' lodged a report with the police his daughter has been kidnapped by the relatives of elder sister of 'G' and she has been forced by them to have illicit intercourse with 'A'. Police recovered 'G' from A's home after a month. 'G' gave a statement that A has sexual intercourse with her many a times. However, medical report states that no injuries exist on the body of 'G'. In a charge of rape against 'A', he pleads that G has consented to such act as, is indicative of her staying at his house for one long month. Apply, analyze and evaluate whether A can succeed against the charge of Rape?</p>		
2.	<p>A careful reading of section 300, in the backdrop of section 299, reveals that some clauses in sections 299 and 300 overlap. Such overlapping, rather defining murder with reference to culpable homicide, has led to a lot of discussions, debates and differences in judicial pronouncements about the scope of each section and the distinctions and differences between them. In view of this, explain the correct approach to distinguish whether a particular situation would come under murder or culpable homicide not amounting to murder with the help of relevant case laws.</p> <p><b>Problem:</b></p> <p>Samir attempts to flog Ghanshyam, not in such a manner as to cause grievous hurt to him. Ghanshyam in his defence draws out a pistol. Samir didn't stop and persists in the assault. Ghanshyam believing in good faith that he can by no other means prevent himself from being whipped, shoots Samir dead. Examine the criminal liability of Ghanshyam.</p>	25	CO4