


Name:			
Enrolment No:			
UPES End Semester Examination, May 2025			
Course: The Bharatiya Nagrik Suraksha Sanhita 2023 Program: BA_BBA_B.COM_LL B Course Code: CLCC2043		Semester:IV Time : 03 hrs. Max. Marks: 100	
Instructions: Attempt All the questions			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	What is the time limit for the police to complete an investigation in cases involving crimes against women under BNSS? A. 30 days B. 45 days C. 60 days D. 90 days	2	CO1
Q 2	What does BNSS say about forensic investigations for serious crimes? A. Not required B. Only for cases involving government officials C. Mandatory for offenses punishable by at least 7 years imprisonment D. Optional, based on police discretion	2	CO1
Q 3	Who can claim maintenance under section 144 of BNSS?	2	CO1
Q 4	What do you mean by electronic communications?	2	CO1
Q 5	What do you mean by non-cognizable offences?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Differentiate between Investigation, Inquiry and trial	5	CO2

Q 7	Describe process of proclamation	5	CO2
Q 8	Describe the process of service of summon on corporate bodies.	5	CO2
Q 9	Explain high court's power of revision	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Critically analyze the efficacy and ethical implications of plea bargaining under the Bharatiya Nyaya Sanhita (BNSS) in cases involving significant financial crimes.	10	CO3
Q11	Elaborate the role and responsibility of the investigating officer in ensuring that the medical examination is conducted in a manner that respects dignity and right to privacy of a female, while also adhering to the legal requirements for evidence collection? Or Evaluate the safeguards and procedures provided under the BNSS to ensure that the appellate process is fair, transparent, and accessible to all parties, including those who may not have the means to engage legal representation.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q12 Q 13	ATTEMPT ANY TWO On January 15, 2025, in the city of Mumbai, three accused persons—Arun, Bela, and Chetan—were involved in a series of criminal acts. Arun and Bela, acting in concert, committed theft of gold jewelry worth ₹5,00,000 from a jewelry store owned by Mr. Desai on January 10, 2025. To facilitate the theft, Arun falsified the store's account books to conceal the loss of inventory. Bela, on the same day, sold the stolen jewelry to Chetan, who was aware that the jewelry was stolen and assisted in its concealment by hiding it in his warehouse. Additionally, it was discovered that Arun and Bela had committed two similar thefts of jewelry from other stores in Mumbai on August 20, 2024, and November 5, 2024, within the same 12-month period. These thefts were also punishable under the same section of the Bharatiya Nyaya Sanhita, 2023 (BNS). Chetan was found to have received stolen property from these earlier thefts as well. All three accused have submitted a written application to the Magistrate requesting a joint trial, and the Magistrate is satisfied that no prejudice would result from trying them together.	25	CO4

Question:

Q 1 Based on the exceptions provided under the relevant legal framework, draft a charge against Arun, Bela, and Chetan, ensuring that the charges are framed in accordance with the provisions allowing for joint charges and a joint trial. Clearly specify the offences, the relevant sections of the Bharatiya Nyaya Sanhita, 2023, and the legal basis for combining the charges and trying the accused together. [15 Marks]

Q.2 Outline the procedural steps the Magistrate should follow to conduct the joint trial, referencing relevant provisions. Also, highlight potential challenges, such as managing multiple charges, ensuring the accused understand the charges, or avoiding prejudice due to the joint trial. [10 Marks]

OR

Mr. Arjun Sharma, a 45-year-old businessman, was arrested for an alleged offense under Section 316 of the Bharatiya Nyaya Sanhita, 2023 (criminal breach of trust by a merchant, punishable with imprisonment for life or up to 10 years and fine, triable by the Court of Session). The FIR alleges a conspiracy to commit financial fraud, causing significant loss to a public sector bank. Prior to his arrest, Arjun cooperated by appearing multiple times when summoned under Section 35(3) BNSS. The police arrested him on the day of his final appearance, without recording reasons. The police, opposing bail, claim custodial interrogation is necessary to recover documents and prevent tampering. Arjun has no criminal record, is a permanent resident, and his wife, with a chronic illness, depends on him.

Arjun applied for bail before the jurisdictional Magistrate under Section 480 BNSS, 2023, which was denied. He then applied to the Court of Session under Section 483 BNSS, which also denied bail. He subsequently applied to the High Court under Section 483 BNSS. The investigation has not progressed significantly in the 45 days since his arrest. The arrest memorandum complied with Section 36 BNSS, but Arjun was denied an advocate during interrogation (Section 38 BNSS).

Question:

Analyze Arjun's bail application under *Satender Kumar Antil v. CBI* (2022) and Bharatiya Nagarik Suraksha Sanhita, 2023 (Sections 35, 36, 38, 480, 483), focusing on the categories established in *Satender Kumar Antil*. Specifically:

1. Under which *Satender Kumar Antil* category does Arjun's offense fall, and how do the category's guidelines affect his bail eligibility before the Magistrate (Section 480 BNSS) and higher courts (Section 483 BNSS)? Consider procedural violations (Sections 35, 35(3), 38 BNSS) and Arjun's circumstances. [15 Marks]
2. Are the police's claims sufficient to deny bail under the relevant category, and how should courts balance Article 21 liberty with investigation needs, considering special reasons (e.g., wife's illness)? Cite relevant precedents[10 Marks]

OR

Anil and Vivek have a long-standing rivalry. Anil comes to know from Vivek's brother that Vivek is suffering from a serious heart condition, which makes him highly vulnerable and even minor physical shocks or injuries could result in cardiac arrest. Despite this knowledge, during a confrontation, Anil strikes Vivek forcefully on the chest with his elbow, intending to cause hurt and humiliation. The blow is not severe in general terms and would not normally cause death in a healthy person. However, due to his heart condition, Vivek collapses and dies shortly after the blow.

An FIR was registered under S. 173 BNS for the offence under S. 101 of the Bharatiya Nyaya Sanhita (BNS), punishable under 103 BNS. The police conducted an investigation and concluded it while inclining towards the charges mentioned in the FIR. Subsequently, a Police Report was submitted in the court of JMIC/JMFC for the purpose of cognizance.

Answer the following after drawing adequate reference to the copy of Schedule I, BNSS given below.

- a. In light of the aforementioned facts and the, identify the appropriate trial that shall be conducted in the given scenario,

	<p>elaborating on the process in detail. (Proceed according to the provisions of BNSS.) [20 Marks]</p> <p>b. Why is the statement given by the accused under S. 351 not given under oath? [5 Marks]</p> <p><i>Copy of Schedule I, BNSS is attached</i></p>		
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Copy of Schedule I, BNSS

98	Selling child for purposes of prostitution, etc.	Imprisonment for 10 years and fine.	Cognizable.	Non-bailable.	Court of Session.
99	Buying child for purposes of prostitution, etc.	Imprisonment for not less than 7 years but which may extend to 14 years and fine.	Cognizable.	Non-bailable.	Court of Session.
103(1)	Murder.	Death or imprisonment for life and fine.	Cognizable.	Non-bailable.	Court of Session.
103(2)	Murder by group of five or more persons.	Death or with imprisonment for life and fine.	Cognizable.	Non-bailable.	Court of Session.
104	Murder by life-convict.	Death or imprisonment for life, which shall mean the remainder of that person's natural life.	Cognizable.	Non-bailable.	Court of Session.
105	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	Imprisonment for life, or imprisonment for not less than 5 years but which may extend to 10 years and fine.	Cognizable.	Non-bailable.	Court of Session.
	If act be done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Imprisonment for 10 years and with fine.	Cognizable.	Non-bailable.	Court of Session.
106(1)	Causing death by negligence.	Imprisonment for 5 years and fine.	Cognizable.	Bailable.	Magistrate of the first class.
	Causing death by negligence by registered medical practitioner.	Imprisonment for 2 years and fine	Cognizable.	Bailable.	Magistrate of the first class.
106(2)	Causing death by rash and negligent driving of vehicle and escaping.	Imprisonment for 10 years and fine.	Cognizable.	Non-bailable.	Magistrate of the first class.
107	Abetment of suicide of child or person of unsound mind, etc.	Death, or imprisonment for life, or imprisonment for 10 years and fine.	Cognizable.	Non-bailable.	Court of Session.
108	Abetment of suicide.	Imprisonment for 10 years and fine.	Cognizable.	Non-bailable.	Court of Session.
109(1)	Attempt to murder.	Imprisonment for 10 years and fine.	Cognizable.	Non-bailable.	Court of Session.
