

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May, 2019

Course: Law of Crimes I	Semester: VI
Programme: B. Tech. CSE LLB-CL, BT-EL-LLB-IPR	Time: 03 hrs.
Max. Marks: 100	
Instructions:	

SECTION A (ATTEMPT ANY FOUR)

	Write short notes on the following	Marks	CO
Q1.	M'Naughten Rule	2.5	CO1
Q2.	Doctrine of Necessity	2.5	CO1
Q3.	Legal Insanity	2.5	CO2
Q4.	Actus reus	2.5	CO1
Q5.	Affray	2.5	CO3

SECTION B

Q 6.	Discuss the difference between kidnapping and abduction in the light of relevant judgments.	10	CO3
Q7.	Explain the essentials of Rape, in the light of recent amendments.	10	CO2

SECTION-C

Q8.	Critically examine the concept of Sedition with the help of decided case laws.	10	CO1
Q9.	<i>All murder is culpable homicide but all culpable homicide is not murder.</i> Discuss with the help of relevant case laws.	10	CO3

SECTION-D

Q10.	On 1/03/2014, marriage between Harsha and Rajkumar Mukerjee was solemnized as per Hindu Rites and Customs in Lalpur. Harsha Mukerjee since the day of her marriage had complaints about the indifferent attitude of her in-laws towards her and right from the time she got married, she used to insist for all sorts of luxuries which were way beyond the capacity of her husband Mr. Rajkumar Mukerjee. Harsha was suffering from certain diseases of which her family members were aware of, but the same was concealed from her husband and in laws.	25x2= 50	CO4
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From September 2014 till Jan 2015, Harsha was adamant and had frequent quarrels with her in laws and husband, though most of the times; Rajkumar supported his wife and went against her in-laws. Sometime around October 2014, Harsha threatened her in laws that she would post the video on social media of her in laws harassing her physically. After the intervention of the husband, the matter was resolved between them. Sometime in Last week of December 2014, Harsha went on a trip with her friends to Spain without taking permission of her in laws, this very fact agitated them and they were very disappointed with Rajkumar, they thought that Rajkumar was being quite liberal with his wife.

In Jan 2015, in- laws of Harsha had a quarrel with their son Rajkumar and asked him to stay separately with his wife or ensure that he listens to his parents, instead of blindly supporting his wife. In Mid Jan 2015, Harsha and Rajkumar started residing separately in a flat in Dharampeth, Lalpur. Shri. Hemant Mukerjee, father of Rajkumar Mukerjee expired in Feb 2015 due to heart attack. After the death of Late. Shri. Hemant Mukerjee, Rajkumar along with his wife moved back to the house of his parents.

Even inspite of all the efforts taken by Rajkumar, he could not stop the quarrels between his hyper sensitive, short tempered wife Harsha and his mother Sushma. Left with no option, Rajkumar told the parents of Harsha and asked them to immediately come and resolve the dispute between the wife and the mother of Rajkumar. The parents of Harsha came to Lalpur, sometime in End of Feb 2015, and tried to resolve the dispute, they explained to their daughter where she was wrong and told her to amend her mistakes, and not to disturb the peace of the family as Rajkumar and Sushma were already disturbed with the death of Shri. Hemant Mukerjee.

Sometime in March 2015, Harsha fed up of people pointing out her mistakes and after every conciliation, entire blame was put on her, to put an end to that, Harsha on a stamp paper which was executed Before Notary, Lalpur stated about her suicidal tendencies as well as the mistakes committed by her.

Sometime in April 2015, the mother-in-law of Harsha, Sushma wrote to the Superintendent of Police, Lalpur requesting him to intervene in the matter, as they were worried about the suicidal tendencies as well as the harassment caused by Harsha to the family, the police had refused to intervene, the letter written to SP, Lalpur was a final attempt from the family to bring an end to the harassing tactics of Harsha.

After complaints made by Sushma, with police authorities, no action was taken in the matter, Harsha did not mend her ways and continue to harass her in laws and

husband. Considering the behavior of Harsha, her in laws and husband decided to initiate reconciliation talks with the parents and brothers of Harsha and called them to Lalpur. At time of reconciliation i.e on 27th April 2015, Rajkumar played a CD bearing the voice recording of Harsha, in which she threatened her in laws, that she would commit suicide and told her that she would even state in the suicide note that she committed because of her in laws and husband. The brother and father of Harsha very infuriated with the behavior of their daughter and told her that this was the last chance for her to mend her way or else even they would not help her or support her. It is on 28th April 2015 i.e. at around 2.30 am, Harsha committed suicide by burning herself. The father of Harsha, Gopal Jain had lodged a complaint with Burdi Police Station, alleging that the deceased i.e. Harsha had committed suicide on account of ill-treatment, demand of dowry etc by Sushma and Rajkumar and on the basis of the said complaint,.

The charge sheet came to be filed on 03.09.2015; the charge sheet was forwarded to District and Sessions Judge, Lalpur, 3.

Answer the following questions :

- (a) Ascertain the criminal liability of the suicide committed by Harsha. Substantiate the answer in the light of the above facts and the law applicable.
- (b) Discuss the possible defense from the side of the in laws of the deceased. Also provide the laws which can be used by the defense.

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SECTION A - ATTEMPT ANY FOUR

S. No.	Write Short Notes	Marks	CO
Q1.	Dishonestly	2.5	CO1
Q2.	Extra Territorial Jurisdiction	2.5	CO1
Q3.	Good faith	2.5	CO2
Q4.	Medical Insanity	2.5	CO1
Q5.	Fraudulently	2.5	CO1

SECTION B -

Q6.	Write note on ‘Mischief’ with the help of illustrations and the essential ingredients of this offence.	10	CO3
Q7.	Define ‘Dacoity’ with the help of case laws. When does robbery become dacoity?	10	CO2

SECTION-C

Q 8.	Critically examine the philosophy of <i>mens rea</i> under Indian Penal Code.	10	CO1
Q 9.	Critically examine the defense of <i>insanity</i> with the help of relevant case laws.	10	CO3

SECTION-D

Q10.	<p>Mr. X murdered his wife in a drunken rage at his house. The neighbours caught hold of Mr. X and handed him to the police. Mr X was tried by the Court and convicted of offences punishable under S.302 of IPC and sentenced to life imprisonment in 1984.</p> <p>Mr. X was sent to the central prison in Purva Pradesh. While he was there, he became close friends with his cellmate, Mr Y. With time, X and Y became friends and Y suggested that X marry his daughter.</p> <p>In the year 1987, X and Y obtained parole from the prison and the marriage between X and Y’s daughter was solemnized. X’s wife delivered twin baby boys.</p> <p>However, by the year 1990, X had started suspecting the fidelity of his wife. One night,</p>	25 x 2 = 50	CO4
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X was seized by rage. He seized an agricultural implement and hacked his wife to death. He then killed his two children who were sleeping.

According to the neighbours who rushed in, X was trying to commit suicide by hanging himself when they discovered him and overpowered him.

The lawyer did not cross examine witnesses of the prosecution nor did he produce any evidence on behalf of the defence. The Sessions Court sentenced X under S.302 and 303 of the IPC to death.

The matter was referred to a third judge of the High Court when division bench could not come on consensus, third judge felt that there was no discretion in the matter and confirmed the sentence of death. Mr X submitted a mercy petition to the President of India which came to be rejected in the year 1996. Due to oversight on behalf of the prison authorities, Mr X was not kept in the death row cells at the prison, it is only in the year 2011, that the same was discovered and the prisoner was sent to death row confinement. On 01.01.2013, the black warrant for the execution of Mr X was issued by the appropriate court.

The very next day, lawyers representing a human rights organisation filed a writ petition claiming that Mr X cannot be executed on the grounds that his trial is vitiated by illegality and his execution would violate several provisions of the Constitution of India.

- 1) Whether the act of Mr. X falls under the category of “rarest of rare” cases?
- 2) Whether the delay in execution of death sentence violates article 21 and can be a sole ground in commuting death sentence of Mr. X?