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19 (III) IPC 3-1

2018

**INDIAN PENAL CODE**

Paper : 3-1

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

1. Choose the correct answer:  $1 \times 10 = 10$

(a) The Indian Penal Code, 1860 came into enforcement on \_\_\_\_\_,

(January 1, 1862/January 1, 1860)

Contd.

- (b) The fundamental principle of criminal liability is embodied in the maxim *actus non facit reum nisi mens sit rea*. This maxim was developed by \_\_\_\_\_.  
(Common Law Courts/Equity Courts)
- (c) Section 76 and Section 79 of IPC provide the general exception of \_\_\_\_\_.  
(mistake of law/mistake of fact)
- (d) Section 84 of the Indian Penal Code is based on the \_\_\_\_\_.  
(M'Naghten Rule/Proximity Rule)
- (e) Conspiracy to wage war against Government of India has been dealt with under \_\_\_\_\_ of IPC.  
(section 121A/section 120A)
- (f) Minimum number of persons required to commit an 'Affray' is \_\_\_\_\_.  
(two/five)
- (g) Culpable homicide has been defined under section \_\_\_\_\_ of IPC.  
(299/300)

- (h) The distinction between sections 299 and 300 of IPC was made clear by \_\_\_\_\_.

(Marshall, J in R vs Govinda/  
Melvill, J in R vs Govinda)

- (i) When by putting any person in fear of injury, he is dishonestly induced by another to deliver property, it is \_\_\_\_\_.  
(Dacoity/Extortion)

- (j) Robbery is an aggravated form of \_\_\_\_\_.  
(Theft and Extortion/  
Dacoity and Extortion)

2. Answer the following questions: 2×5=10

- (a) Definition of 'Offence' as per the Indian Penal Code.
- (b) Distinguish between Abetment and Conspiracy.
- (c) When an unlawful assembly becomes a riot?

(d) Examine the concept of 'dowry death' under the IPC.

(e) Essential elements of criminal misappropriation of property.

3. 'Offence does not happen all of a sudden, it passes through some stages.'

— Discuss and point out the distinction between preparation to commit offence and an attempt to commit an offence. Whether 'preparation' is punishable under IPC?

10+2=12

Or

The fundamental principle of penal liability is that — 'An act alone does not amount to crime, it must be accompanied by a guilty mind.' — Discuss and illustrate. 12

4. What is the difference between self-defence, private defence and defence of necessity under the IPC? Explain in detail, the right

of 'private defence' against property, its commencement continuance and its extent to cause death. 4+8=12

Or

Write a brief note on the nature of burden of proof on an accused who takes plea of 'insanity' under the IPC. Do you think that fairness demands that burden on prosecution should not be heavier? Point out the differences between medical insanity and legal insanity. 7+2+3=12

5. What is Unlawful Assembly? What is the difference between unlawful assembly and rioting? Who can be said to be a member of an unlawful assembly? What punishment is provided for being a member of unlawful assembly? 2+4+3+3=12

Or

What do you understand by sedition? Critically comment on the way the courts have interpreted the section 124-A of the

IPC. What is the difference between sedition and treason?  $2+7+3=12$

6. Describe in your own words, the differences between Murder and Culpable Homicide not amounting to Murder. When does culpable homicide become murder? Explain and illustrate.  $6+6=12$

Or

Define the offence of 'Defamation'. What are its essentials? Point out the difference between Civil and Criminal Defamation. What are the exceptions for 'Defamation'?  $2+2+2+6=12$

7. Distinguish between :  $6+6=12$
- (i) Robbery and Dacoity
  - (ii) Criminal Misappropriation of Property and Criminal Breach of Trust.

Or

Define the term 'theft'. Explain the essential ingredients to constitute offence under section 378 of IPC. How 'theft' is different from 'extortion'?  $2+4+6=12$