

2018

LAW OF CRIMES-I

Paper : 3021

Full Marks : 80

Time : Three hours

1. "The concept of crime seems to have always been changing with the change in social policy..."

Considering the above statement discuss the nature, concept of crime and criminal law. Embellish your answer with illustrations.

16

OR

Criminal Law as protection of Primary Personal Rights as well as Secondary Personal Rights. — Discuss with case laws.

2. The two elements of crime are *mens rea* and *actus reus*. Apart from these two elements, ... there are two more indispensable elements, — first, "a human being under a legal obligation to act in a particular way and a fit subject for the infliction of appropriate punishment," secondly, "an injury to another human being or to the society at large." — Discuss all the four elements of crime with illustrations.

16

LAM-III

4-elements
of
crime.

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OR

"There can be no crime large or small without the evil mind." Discuss the above statement and evaluate the position of *mens rea* in the Indian Penal Code. Explain if there is any exception to it. 16

3. "The doctrine that a mere intent amounts to a crime passed long ago, and (now) in order to constitute an attempt to commit a crime there must be something more than an intent to commit it..."

Considering the above statement, discuss what is inchoate crime and different kinds of inchoate crimes. Explain with illustration. 16

OR

Discuss the differences between "preparation" and "attempt to commit an offence". What are the necessary ingredients of attempt? State when an attempt is said to be physically impossible and legally impossible.

4. What do you mean by Golden Scale, in respect of right of private defence? Explain the tests laid down by the Apex Court to judge as to whether apprehension of danger has arisen or not, in order to justify exercise of the right of Private defence. 16

OR

The provisions of all general exceptions are applicable not only to offences under the Penal Code but also to offences under special or local laws passed from time to time.

Discuss the provisions of 'general exceptions' under the Indian Penal Code, who bears the burden of proof in general exceptions.

5. What is vicarious liability? Explain the rationale for holding a corporation liable for criminal acts of its agents, instead of holding the concerned officers liable. Why a Company or Corporation is absolved from criminal liability for certain category of crimes? 16

OR

What are the ingredients of Sections 34 and 149 IPC? Can a person be convicted u/s 149 IPC without framing charge u/s 149? Is there any provisions in the IPC for joint liability? Explain.