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23 (3) LLM 3.2 (CRL)

2011

LAW OF CRIMES-II

Paper : 3.2

Full Marks : 80

Pass Marks : 32

Time : Three hours

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

1. Distinguish between Murder and Manslaughter. State the exceptions of murder given in the I.P.C. Do you want to add any more ? Discuss. 16

Or

What are the essential ingredients to bring a case within Section 304B and Section 498A of the I.P.C? Can a person be charged under both the sections for a particular offence and be convicted separately for each of the offences ? Discuss with Supreme Court's decision.

Contd.

2. What are the necessary ingredients of Section 383 I.P.C. ? Explain the aggravated forms of it and the relevant provisions of law. 16

Or

What is criminal breach of trust ? What are its exceptions ? State the circumstances, when distribution of public property may involve criminal breach of trust ?

Discuss and give your view regarding recent cases of our country.

3. What is the rationale behind the sanction of a competent authority, as a condition precedent for prosecution of a public servant ? Is such provisions discriminatory and *ultra vires* of the Constitution ? Discuss with the help of decided cases. 16

Or

Define "Public Servant".

To whom immunity is granted under Article 105(2) of the Constitution of India ? Can it be treated as a charter for corruption causing immunity from criminal liability ?

4. Discuss different types of cyber crimes. What constitutes *actus-reus* and *mensrea* in cyber crimes ? Explain how does it effect the development in the society. 16

Or

What are different stages of cyber crimes ? State the legislative measures adopted so far, stating its effectiveness.

5. Law commission of India has submitted reports, suggesting certain measures to be adopted for prevention of Custodial Torture in our country. Discuss those reports and suggest appropriate measure. 16

Or

Discuss different reports of the Law Commission of India suggesting reforms in criminal law, specifically law relating to corruption by public servants.