



**PRESIDENCY UNIVERSITY, BENGALURU**  
**SCHOOL OF LAW**

Max Marks: 45

Max Time: 55 Mins

Weightage: 15 %

**Set A**

**TEST 1**

II Semester 2016-2017

Course: **BL A 210 Criminal Law (IPC)**

23 February 2017

**Instructions:**

- i. Write legibly

**Part A**

(5 Q x 2 M= 10 Marks)

1. What do you mean by *Actus reus*?
2. Whether a person is liable for murder if he has caused the death of another in a rash and negligent act?
3. What is the quantum of punishment prescribed for Dowry Death?
4. What is Feticide? Whether it is a punishable offence under the Indian Penal Code?
5. Name the offence, where a public servant causes death of a person, while acting for the advancement of public justice, exceeds the powers given to him by law, in good faith for the due discharge of his duty and without any malice towards the person(s) killed?

**Part B**

(3 Q x 5 M= 15 Marks)

6. What do you understand by *Mens rea*?
7. What constitutes the offence of Grievous Hurt?
8. How Kidnap is different from Abduction?

**Part C**

(4 Q x 5 M= 20 Marks)

Read the following and answer the questions:

The deceased in this case was one Mrs. Revathi. The accused and the deceased had fallen in love with each other, which culminated in the marriage in the year 2001. After marriage, they were residing together and out of the said wedlock, three children were born. On 25.03.2007, the deceased had a sum of Rs.500/- in her possession. The accused, who had, by the time become a drunkard, demanded the deceased to give Rs.100/- for his drinking purpose. The deceased refused to give the same. Fearing that the accused might snatch away the money, the deceased went to her parents house and gave the amount to her parents. The accused came to the house of P.W.1 and took the deceased back with him. On reaching the house, according to the case of the prosecution, there arose a quarrel between the accused and the deceased. At the end of the quarrel, it is alleged that around 4.30 p.m., the accused closed the mouth and nose of the deceased. The deceased fainted.

Believing that the deceased was no more, the accused laid her on the mat, poured kerosene on her and set fire. He bolted the house from inside.

On noticing the smoke emanating from the house, the neighbours rushed to the house of the accused. P.W.8 and other neighbours also rushed to the house. They found the house bolted from inside. One of the persons in the crowd climbed on to the top of the roof, made a small opening and jumped down into the house. Then he opened the door from inside. That time, the accused was standing inside the house, by the side of the doors. He had sustained burn injuries on left hand and right leg. The deceased was lying dead. P.W.1-the father, P.W.2-the mother and P.W.3-the son also rushed to the place of occurrence on hearing about the above information. They found the deceased lying dead with burn injuries. P.W.4, the brother of the accused took the accused to the hospital.

This is a case based on circumstantial evidence. The prosecution mainly relies on the extra judicial confession said to have been given by the accused to P.W.12, the Village Administrative Officer, wherein the accused has given a complete narration of the occurrence and his involvement [vide Ex.P.10]

In the statement filed by him under Section 313 Cr.P.C., he has stated that when he tried to extinguish the fire, he sustained injury. If really the accused had tried to extinguish the fire, he would have made an attempt to open the door to seek the help of others to extinguish fire and to take the deceased to the hospital. But, he did not do so. This conduct of the accused is inconsistent with his so called innocence pleaded by him. This conduct of the accused itself is sufficient to hold him guilty. This circumstance clearly corroborates the extra judicial confession [Ex.P.10]. The extra judicial confession also clinchingly goes to prove the guilt of the accused. It is not as though there was anybody else inside the locked house. Thus, it has been clinchingly proved that it was this accused who had set fire to the deceased.

What actually transpired inside the house could be gathered only from the extra judicial confession. In Ex.P.10-extra judicial confession, the accused had stated that when he asked his wife to give money, she refused, which resulted in a wordy quarrel inside the house. Since the deceased shouted at him in a loud voice, he slapped her. The confession would further reveal that on receiving the said slap, she fell down. Thereafter, the accused tried to wake her up. But, there was no response from her. The confession would further state that the accused believed that the deceased had already passed away. Only under that belief, according to the confession, in order to escape from the clutches of law, he set fire to the deceased. The medical evidence, however, states that the death was only due to burn injuries and not due to smothering or strangulation or due to any other physical violence. Thus, according to the accused, at the time when he poured kerosene and set fire, he was under the mistaken impression that the deceased had already died whereas, in fact, she was alive.

9. Decide and substantiate with reasons in law and facts that whether the acts done by the accused amounted any one of the following offences or not. You are required to consider each offence listed below and state why the above acts will not constitute this offence or if the act is falling under that offence, why so? The list of offences to be considered is as follows:

- a. Murder as defined by the Indian Penal Code, 1860 (5 Marks)
- b. Culpable Homicide as defined by the Indian Penal Code, 1860 (5 Marks)
- c. Dowry Death as defined by the Indian Penal Code, 1860 (5 Marks)

10. Decide the quantum of punishment to be given to the accused based on the offences he has committed and substantiate your answer with reasons in law and facts. (5 Marks)



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**Set A**

**TEST 2**

II Semester 2016-2017

Course: BL A 210 Criminal Law (IPC)

23 March 2017

**Instructions:**

- i. Write legibly

**Part A**

(5 Q x 2 M= 10 Marks)

1. A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. When did the offence of theft committed?
  - a. When the bullock moved
  - b. When the bullock reached and stopped at another location
  - c. When A reached and took the treasure
  - d. When A hid the treasure
2. What is the quantum of punishment for lurking house-trespass?
3. What is criminal trespass?
4. Define mischief.
5. What is the quantum of punishment for cheating by personation?

**Part B**

(3 Q x 5 M= 15 Marks)

6. Distinguish between theft and extortion.
7. What constitutes the offence of cheating? What is the punishment prescribed?
8. What constitutes the offence of house breaking? Is it different from lurking house trespass?

**Part C**

(1 Q x 20 M= 20 Marks)

9. Disintegrate and examine all the elements of crime that constitute the offence of dacoity, with the help of relevant case laws.



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TEST 3

II Semester 2016-2017

Course: BL A 210 Criminal Law (IPC)

20 April 2017

Instructions:

- i. Write legibly

Part A

(5 Q x 2 M= 10 Marks)

1. What act constitutes an offence under section 354 of the Indian Penal Code, 1860?
2. Whether eve teasing is punishable under Indian Penal Code, 1860?
3. What is the punishment prescribed for the offence under sec 509 of the Indian Penal Code 1860?
4. What is the offence punishable under section 295 of Indian Penal Code 1860, and what is the quantum of punishment prescribed?
5. Why section 377 of Indian Penal Code 1860, was brought under challenge before the High Court of Delhi in the case of *Nuz Foundation v. Govt. of NCT of Delhi* 2010 CriLJ 94?

Part B

(3 Q x 5 M= 15 Marks)

6. Distinguish between the expressions 'against her will' and 'without her consent' used under section 375 of the Indian Penal Code, 1860.
7. Whether section 377 of the Indian Penal Code, 1860 unconstitutional?
8. What are the exceptions provided under section 375 of the Indian Penal Code, 1860?

Part C

(2 Q x 10 M= 20 Marks)

The complainant is 21 years old girl, doing the course of interior designer. She came in contact with the applicant/accused, who is 21 years old, in 2015 and became friendly with him. On 13.12.2015, he invited her for celebration of his birthday, so she attended the party alongwith her friends. Thereafter, according to her supplementary statement, she spent Rs.2.5 lakhs for gifting gold chain, mobile phone of Samsung company, laptop and hair straightner and clothes to him. The accused has promised her to marry. On 13.2.2016, when she went to his house at Kalyani nagar, he promised her to marry and had forcible intercourse with her. Thereafter, he took her to various hotels and under the promise to marry, he had forcible sexual intercourse with her, without her consent. He consumed liquor, drugs at the time of sexual intercourse. So, the prosecurix informed about their relationship to the parents of the accused. However, they did not react in any manner. On 31.7.2016, she realised

that she was pregnant out of sexual relations with the accused. When she informed him, he told her to go for termination of pregnancy. He, against her wish, gave her pills for termination of pregnancy. However, it was not successful. Then again on 16.9.2016 in hotel Sudarshan at Kalyani Nagar at Pune, nearly for 10 days, he had forcible intercourse with her. Thereafter on 24.10.2016, she went to Dubai to her parents where her parents are residing. In Dubai, she had medical check-up and found that pregnancy was not terminated. Thereafter, on 4.12.2016, she returned to India and contacted the accused. At that time, he abused her and also threatened that she should not give any complaint against him to the police. Thus, it is a case of the prosecutrix that the accused under the false representation of marriage had obtained her consent fraudulently and had sexually abused her.

The learned Senior Counsel for the accused has submitted that the sexual relationship was consensual. So there was no question of obtaining consent by fraud. The accused is innocent and has not committed any offence. The learned Senior Counsel submitted that the accused is 21 years old boy who is working in a company. He spent Rs.2.5 lakhs on the prosecutrix in gifting her various things and not the prosecutrix.

9. What are the issues in the above case? Which is the most important issue and why? (10 Marks)
10. Whether the accused is liable to be punished? (10 Marks)