

Roll No



**PRESIDENCY UNIVERSITY
BENGALURU**

**SCHOOL OF LAW
END TERM EXAMINATION - JAN 2023**

Semester : Semester III - 2021

Course Code : LAW2023

Course Name : Sem III - LAW2023 - Indian Penal Code

Program : BA.,LLB (Hons.) / BBA.,LLB (Hons.) / B.Com.,LLB (Hons.)

Date : 5-JAN-2023

Time : 1.00PM - 4.00PM

Max Marks : 100

Weightage : 50%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.

PART A

ANSWER ALL THE FOLLOWING QUESTIONS

10 X 2 = 20M

1. The consent is not a valid consent under section 90, If?
(CO1) [Knowledge]
2. Explain the concept of Mens Rea in brief.
(CO1) [Knowledge]
3. What is Fabricating False Evidence under Indian Penal Code
(CO2) [Knowledge]
4. Write a short note on Doli In-Capex.
(CO2) [Knowledge]
5. Discuss the essentials elements of Criminal Breach of Trust in brief.
(CO3) [Knowledge]
6. What are the essentials for committing the act of Dowry Death under Indian Penal Code.
(CO3) [Knowledge]
7. Discuss the definition of Dacoity under Indian Penal Code.
(CO4) [Knowledge]
8. What is Bigamy according to Indian Penal Code? Discuss in brief with relevant section.
(CO4) [Knowledge]

9. Though, Indian laws prohibit abduction and kidnapping, since 2005, more than 100,000 kidnapping and abduction cases have come up in India. People have continued to take advantage of the tender age of minors to kidnap them and exploit and force them to perform horrendous acts. Such offences are an attack on the liberty and freedom of citizens and must be prevented. Section 359 to 374 of Indian Penal Code, 1860 provides for punishments for these offences. Outline the essentials of Abduction.

(CO5) [Knowledge]

10. According to the recent statistics, 89 rape cases are being registered every single day among which 27.8 percent are minors. In spite of the pain that the woman go through during rape or any kind of sexual harassment, the society stills blames a woman but not a man. For that reason many victims remain silent but never dare to complain. It is in the year 2012, when the Delhi gang rape case shook the entire India and a lot of protests and outrage happened. That's when a special committee named JUSTICE VERMA COMMITTEE was appointed to probe into the women related laws. According to the report given by the committee, The Criminal Law (Amendment) Bill, 2013 was introduced to amend the existing provisions in criminal law with regard to improve the safety of women. New offences like, acid attack, sexual harassment, voyeurism, stalking have been incorporated into the Indian Penal Code. Voyeurism is defined under 354C of IPC. Outline the essentials of Voyeurism.

(CO5) [Knowledge]

PART B

ANSWER ALL THE FOLLOWING QUESTIONS

4 X 10 = 40M

11. India is a country known for its unity in diversity. Our country is a secular country where sentiments of all the religions are equally respected. Every religion follows its own views and objectives. However, in the matter of adultery more or less every religion is highly critical. Different religions have different views on adultery but the core view remains the same. In every religion, adultery is treated as a crime. However, the forms of punishment may vary among religions. It is treated as a delinquent act as it violates the religious sentiment of every religion. Explain adultery and share your opinion on the constitutional validity of section 497.

(CO1) [Comprehension]

12. The word homicide is derived from Latin where "homo" means man and "caedere" means killing. Thus, homicide means the killing of a human being, by a human being. But then, not all cases of homicide are culpable as all systems of law do distinguish between lawful and unlawful homicide. For instance, killing in self defence or in pursuance of a lawful authority or by reason of mistake or fact, is not culpable. Likewise, if death is caused by accident or misfortune, or while doing an act in good faith and without any criminal intention for the benefit of the person killed, the man is excused from criminal responsibility for homicide. Unlawful Homicide may include death by rash and negligent act, suicide or culpable homicide. As per the provisions of IPC, there are two types of Culpable Homicide, one amounting to Murder and other Culpable Homicide not amounting to Murder. Differentiate between the two concepts.

(CO3) [Comprehension]

13. "Section 34 does not constitute a particular offense but sets out only the principle of joint criminal culpability. Whereas Section 149 generates a particular offense and being a member of an unlawful assembly is itself a criminal offense punishable under Section 143." In the light of the statement distinguish constructive liability imposed under Section 34 and Section 149 of IPC?

(CO4) [Comprehension]

14. The legal definition of rape has changed substantially since the late 20th century. The traditional definition was narrow with respect to both gender and age; rape was an act of sexual intercourse by a man with a woman against her will. As rape is now understood, a rapist or a victim may be an adult of either gender or a child. Although rape can occur in same-sex intercourse, it is most often committed by a male against a female. There is also an increasing tendency to treat as rape an act of sexual intercourse by a husband with his wife against her will and to consider forced prostitution and sexual slavery as forms of rape. In the State of Punjab vs. Gurmit Singh & Ors, the Supreme court observed that, "Rape is not merely a physical assault, it is often destructive of the whole personality of the victim. A murderer destroys the physical body of the victim, a rapist degrades the very soul of the helpless female". Highlight the amendments in the provisions related to offence of rape post Criminal Amendment Act, 2013 with landmark judgements.

(CO5) [Comprehension]

PART C

ANSWER ALL THE FOLLOWING QUESTIONS

2 X 20 = 40M

15. A and B were brothers. A was stronger and used to harass the accused . On the night of the occurrence A beats B severely, threw him on the ground and throttled him saying that he was going to kill him, B felt suffocated and believing that the A would kill him, caught hold of the hammer which he found on the ground and hit A on his head resulting in his death. In the light of above situation justify the act of B in reference to relevant section and case laws under IPC

(CO4) [Application]

16. A generally accepted definition of marriage is that of matrimony or wedlock, which is a culturally recognised social sanction of union between two people. This union helps in establishing rights and obligations between two people coming together in this union, along with their children, and the in-laws. However, the sacrosanct institution of marriage has been existing through generations and has consumed in itself various distorted versions of the same. To correct them, and subsequently, make sure that no innocent life suffers. Different laws and precedents have been brought in by various courts, with the most illuminating ones being from the Hon'ble Apex Court. Such misbehaviours, namely: adultery, desertion, or cruelty, amongst others, are known to be offences against marriage or matrimonial offences. In a case Sekhar and Suman are having an affair. At the time of consented co-habitation between both they admitted that there was no marriage and for the purpose of co-habitation no deceitful means was used by Shekhar so as to make out a prima facie case for the offence. When Shekhar embraced and kissed Suman, she resisted but when he put vermilion (sindoor) on her head and declared her as his wife with the assurance to accept her publicly after getting a job, thereafter she submitted for sexual inter course. In the light of above facts identify whether any offence has been committed under Indian Penal Court. Justify with case laws.

(CO3) [Application]
