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**Presidency University**

**Bengaluru**

**SCHOOL OF LAW**

**Make-Up Examinations, July 2024**

**Semester**: III

**Course Code**: LAW2023

**Course Name:** Indian Penal Code

**Program:** BA/BBA/BCOM LLB

**Date**: 04/07/2024

**Time**: 9:30 AM - 12:30 PM

**Max Marks**: 100

**Weightage**: 50%

**Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any matter on the question paper other than roll number.*
3. *x*

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Explain the stages and elements of Crime? (CO2) [Knowledge]

2. Define the following:

a. Vicarious Liability

b. Strict Liability (CO2) [Knowledge]

3. Discuss the difference between the terms “Intention” and “Motive”. (CO2) [Knowledge]

4. Define the concept of Criminal Conspiracy in Indian Penal Code, 1860. (CO2) [Knowledge]

5. What are the essential elements that must be present to constitute the offence of defamation in criminal law? (CO2) [Knowledge]

6. Analyze the principle of "duty of care" in negligence law. How is the existence of a duty of care determined, and what factors might influence its scope and application in different contexts? (CO2) [Knowledge]

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. “Abetment is an Inchoate Offence”. In the light of the case laws discuss the Offence of Abetment in detail. (CO2) [Analysis]

8. Differentiate the following:

a. Abduction

b. Kidnapping (CO2) [Analysis]

9. Discuss in detail the Offences related to Marriage in Criminal Law? (CO2) [Analysis]

10. Explain the concept of "standard of care" in the context of negligence law. How is it determined in different situations, such as medical negligence versus negligence in traffic accidents? (C02) [Analysis]

11. Amy, a student at a prestigious university, is caught using a hidden Bluetooth device during an exam to receive answers from a friend outside the examination hall. The university has strict rules against cheating during exams. Analyse whether Amy's actions constitute cheating under academic regulations. Discuss the legal and ethical implications of cheating in educational settings, including the potential consequences for Amy and the broader implications for academic integrity. Consider any defences Amy might raise and compare this scenario with relevant case law or academic policies on cheating. (C02) [Analysis]

12. Discuss the differences between mistake of fact and mistake of law as defenses in criminal law. Provide examples to illustrate each type of mistake and analyze the legal principles that govern their applicability. Compare the challenges and considerations involved in proving each defense, including the burden of proof and the potential impact on criminal liability. (CO2) [Analysis]

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. John and Mark get into a heated argument, and John pushes Mark in anger. Mark falls, hits his head on a rock, and dies instantly. Analyse whether John can be charged with murder or another offence under criminal law. Justify your answer with relevant legal provisions and case law. (CO3) [Application]

14. A man engages in sexual intercourse with a woman who is heavily intoxicated and unable to give conscious consent. Discuss whether this situation constitutes rape and what factors the court would consider in determining the man's liability. (CO3) [Application]

15. A group of individuals gathers outside a government office to protest against a recent policy decision. During the protest, some members of the group start vandalizing public property, while others block access to the office building, preventing employees from entering or exiting. The police arrive and arrest several individuals. Analyse whether the group can be charged with unlawful assembly under Indian criminal law. Discuss the elements that need to be proven to establish unlawful assembly in this scenario, and identify any potential defences that the accused individuals may raise. Consider the legal principles and case law relevant to unlawful assembly in your analysis. (CO3) [Application]