

PARUL UNIVERSITY**FACULTY OF LAW****I- B.Com LL.B. Summer 2018 – 19 Examination****Semester: 3****Date: 24/04/2019****Subject Code: 17300202****Time: 10.30 am to 1.00 pm****Subject Name: Law of Crime-I [Indian Penal Code]****Total Marks: 60****Instructions:**

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed. (1 marks each. All Compulsory)**(15)**

1. When a criminal act is done by several persons in furtherance of the common intention of all,
 - (a) each of such person is liable for that act in the same manner as if it were done by him alone
 - (b) each of such person is liable for his own overt act
 - (c) each of such person shall be liable according to the extent of his participation in the crime
 - (d) both (b) & (c).
2. Which one of the following is not essential for an offence?

(a) intention	(b) motive
(c) prohibited act	(d) punishment for act.
3. Section 76 provides that nothing is an offence which is done by a person who is or who by reason of
 - (a) mistake of fact in good faith believes himself to be bound by law to do it
 - (b) mistake of law in good faith believes himself to be bound by law to do it
 - (c) mistake of fact believes himself to be bound by morals to do it
 - (d) all the above.
4. Bonafide Intention means

(a) Good Faith Intention	(b) Malafide Intention
(c) Similar Intention	(d) Common Intention
5. Under section 79, nothing is an offence which is done by a person who is justified by law or who by reason of mistake of fact in goodfaith believes himself to be
 - (a) bound by law to do it
 - (b) justified by law to do it
 - (c) bound by morality to do it
 - (d) all the above.
6. Men Rea is

(a) good faith	(b) bonafide intention
(c) bad faith	(d) guilty mind
7. A cuts down a tree on B's land with the intention of dishonestly taking the tree out of B's possession, without B's consent. A has committed which offence?

(a) Criminal misappropriation	(b) Criminal breach of trust
(c) Extortion	(d) Theft
8. A leaves with B, his agent, a cheque signed by A, without inserting the amount and authorizes B to fill up the cheque of an amount not exceeding ten thousand rupees. B fraudulently fills up the cheque with twenty thousand rupees. Has B committed the offence of forgery?

(a) Yes	(b) No
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State True or False (Que.9-12)

9. There are four elements of crime.
10. Minimum number of persons required to commit an affray is 2.
11. Nothing is an offence committed by child below seven years of age.
12. Sexual intercourse by a man with a woman even with her consent is a rape if she is below age of 18 years.

13. Define Crime.
14. Define Abettor.
15. Define Extortion

Q.2 A) Write short notes on (Each of three mark) (15)

1. Discuss the maxim *Volenti non fit injuria*. Is it included under I.P.C
2. "Involuntary drunkenness, that is, drunkenness caused without one's knowledge or against one's will is an excuse." Comment.
3. Explain vicarious liability.
4. Wrongful restraint and Wrongful confinement
5. Common intention and Common object

Q.3 A) Discuss Sec. 39 of IPC. X drives in a rash and reckless manner resulting in an accident causing the death of Y. Can he plead innocence by stating that he never intended to cause the death of Y. (07)

OR

A) Discuss the provisions sec 76 and 78 under the I.P.C. A thief mistakenly breaks into House no. 5, instead of the intended House no. 6. Can he plead mistake of fact as a defence. (07)

B) Conflicting moralities often question the validity of certain legislations. With the State's duty in protecting individual rights and liberties, discuss the same in reference to the recent developments pertaining to Sec. 497 of the IPC with relevant case laws. (08)

OR

B) "Law as a tool for social engineering, gains significance when the law conflicts with the existing morality". Discuss the same in reference to Sec. 377 of the IPC, highlighting the intersection of crime, law and morality with relevant case laws. (08)

Q.4 A) X, who was drunk at his friend's party, raped a girl of 4 years of age and, in the aid of the act of rape, he placed his hand upon her mouth to stop her from screaming, at the same time pressing his thumb upon her throat with the result that she died of suffocation. Drunkenness was pleaded as a defense. Argue. (07)

B) Answer the following (Any four) (Each of two mark) (08)

1. Elements of Crime.
2. Stages of Crime
3. Theories of Crime.
4. Joint Responsibility
5. Criminal conspiracy.