

**PARUL UNIVERSITY**  
**FACULTY OF LAW**  
**LL.M, Winter 2019-20 Examination**

**Semester: 1****Subject Code: 17206130****Subject Name: Criminology and penology****Date: 27/11/2019****Time: 10:30am to 1:00pm****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 Multiple Choice Questions (Each of one mark)****(15)**

1. How many types of Punishment are provided under Indian Penal Code?

- A. 5      B. 6      C. 4      D. 3

2. The case of Bachan Singh v State of Punjab was decided by the Supreme Court by which majority?

- A. 5:0      B. 4:1      C. 3:2      D. 4:3

3. In which case, the criteria for assessing when a case could fall under Rarest of Rare category was first laid down by the Supreme Court?

- A. Bachan Singh v State of Punjab  
 B. Machhi Singh v State of Punjab  
 C. Santosh Kumar v State of Maharashtra  
 D. Prajeet Singh v State of Bihar

4. A chief judicial magistrate can pass a sentence of fine up to

- A. Rs. 10,000      B. Rs. 20,000      C. Rs. 50,000      D. Unlimited

5. Criminology is best seen as a social science, which is concerned with the aspects of

- A. Human anatomy  
 B. Human psychology  
 C. Harmful behaviour  
 D. Human behaviour

6. Plea Bargaining”, added in Criminal Procedure Code, 1973 by the Criminal Law Amendment Act, 2005 (2 of 2006) is contained in:

- A. Sections 265A to 265E  
 B. Sections 265A to 265L  
 C. Sections 265A to 265M  
 D. Sections 265A to 265N

7. The judgement delivered by a court in cases of plea bargaining is:

- A. final  
 B. appealable and appeal lies to the High Court  
 C. final and no appeal except SLP under Article 136 and writ petition under Articles 226 & 227 lies  
 D. appeal lies directly to the Supreme Court.

8. For granting pardon under section 306 of the Code of Criminal Procedure, 1973-

- A. The witness must not be directly involved in the offence  
 B. The accused should have been given an opportunity to cross examine the person getting pardon  
 C. The person getting pardon need not be in police custody  
 D. The offence should not be punishable with imprisonment exceeding 10 years

9. Which section of Indian Penal Code provides for limits to imprisonment for non-payment of fine?

- A. Sec 64      B. Sec 65      C. Sec 66      D. Sec 67

10. Author of the book, 'Essay on Crimes and Punishment', is

- A. Cesare Lombroso
- B. Cesare Beccaria
- C. T. Sellin
- D. E.H. Sutherland

11. Central Jails are mainly meant for

- A. Children in Conflict with law
- B. Political detenue
- C. Convict prisoners
- D. Under Trial Prisoners

12. A police officer or probation officer can be best described as

- A. Criminologist
- B. Criminalist
- C. Criminal justice professional
- D. None of the above

13. Capital punishment is an example of which theory of punishment

- A. Retributive theory
- B. Reformatory theory
- C. Deterrence theory
- D. Preventive theory

14. A model of criminal punishment that encourages rehabilitation via the use of general and relatively unspecified sentence is known as

- A. Determinate sentencing
- B. Proportionate sentencing
- C. Indeterminate sentencing
- D. None of the above

15. 'Crime in India' is published by which organisation?

- A. Bureau of Police Research and Development
- B. L.N.J.P. National Institute of Criminology and Forensic Science
- C. S.V.P. National Police Academy
- D. National Crime Records Bureau

**Q.2 Write short notes on the following (Each of three marks) (15)**

1. How important it is to reform criminals? Give four reasons.
2. What do you mean by capital punishment? Which sections of Indian Penal Code provide for capital punishment?
3. What is the core idea behind the preventive theory of punishment?
4. What is an open jail? What are the benefits of an open jail?
5. Can there be alternative to imprisonment? Explain with examples.

**Q.3 A) Long question. (08)**

Explain the provisions of Plea bargaining in detail. What is the end result of a successful plea bargaining? When the application of plea bargaining can be refused by the court?

**OR**

Indian prisons stink from the top as that like a fish and are in need of drastic reforms. In the light of the statement, discuss the rights of the prisoners and the role of the Indian judiciary in protecting the rights of the prisoners in India. (08)

**B) Long question. (07)**

What do you mean by remission and commutation of sentences? Explain with relevant provisions.

**OR**

Discuss and differentiate the deterrence and reformatory theory of punishment. Which theory is more effective in your view, explain with examples? (07)

**Q.4 A) 262nd Report of the Law Commission of India recommends the abolition of death penalty for all offences except those related to terrorism. In light of this recommendation, discuss the constitutionality of death penalty in India. Support your answer with your views on removal/retention on death penalty. (07)**

**B) Answer the following (Attempt any four) (08)**

1. What do you mean by judgment? Is transportation a judgment under IPC?
2. Briefly discuss the grounds of parole.
3. What is minimum mandatory imprisonment?
4. Who is a habitual offender?
5. What is retributive theory of punishment?
6. Sentence should fit the crime or criminal? Give your analysis.