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ABP/CCM-35/XIV

LAW

2015

FIRST PAPER

Full Marks : 200

Time : 3 hours

*The figures in the margin indicate full marks for the questions.*

*Answer any four questions from each Group (within 250 words for each answer)*

**GROUP-A**

1. What do you mean by 'culpable homicide'? Distinguish between 'culpable homicide' and 'murder' with illustrations.

Discuss how homicide can be justified in the event of a death being caused.

4+10+6=20

2. What is 'criminal conspiracy'? Discuss the essential ingredients of criminal conspiracy.

Explain the above by citing some important decisions of the Supreme Court of India.

2+10+8=20

Contd.



2

3. What is meant by right of private defence? State under what circumstances an aggressor can take the plea of private defence.

Can private defence lie against a person of unsound mind? Explain with justification.

3+9+8=20

4. Distinguish between :

(a) Robbery and Dacoity

(b) Criminal Misappropriation and Criminal Breach of Trust. 10+10=20

5. Define 'abetment' as is defined in the Indian Penal Code.

Explain the law on abetment, citing some of the decisions of the Supreme Court of India.

5+15=20

6. Define the term 'affray' and state the ingredients required to constitute affray.

What is the nature of punishment that can be imposed on a person committing affray?

14+6=20

#### GROUP-B

7. What is 'Summary Trial'? State the nature of offences that may be brought under summary trial enumerating the basic provisions under the Criminal Procedure Code. 5+15=20



8. Explain the provisions relating to arrest of a person accused of an offence.

Give a detail account of the procedure of arrest of a person committing offence in presence of a magistrate whether executive or judicial.

12+8=20

9. Bail is provided for as an interim measure under the Code of Criminal Procedure. State the provisions and procedures to be followed for seeking of bail and discuss who can grant bail.

15+5=20

10. Critically evaluate the power of High Court either to withdraw or to transfer revision cases.

Discuss with examples the jurisdiction concurrently to be exercised by the High Court and the Sessions Judge and in what manner.

10+10=20

11. The Code of Criminal Procedure provides for different procedures for trial of summons and warrant cases — Discuss these different procedures.

20

12. Discuss the provisions in respect of maintenance of public order.

State what consequence may visit a person who violates these provisions.

14+6=20



*any five questions from the following :  
(thin 150 words for each answer)*

short notes on : *(any two)*      2×4=8

Harbouring offender

Forgery

Criminal Trespass

Public Nuisance.

Distinguish between 'wrongful gain' and 'wrongful loss'.      8

What do you mean by 'joint' and 'constructive liability'? — Explain.      8

A tiger was carried off by a tiger. A fires at the tiger, thinking it to be likely that the shot may kill it, but not intending to kill Z and in good faith, intending Z's benefit. A's bullet give Z, a mortal wound.

Decide with reference to the relevant provisions of Indian Penal Code whether A committed any offence.      8

What do you mean by 'bailable offence'? Distinguish between bailable and non-bailable offence.      8

18. Discuss briefly the law laid down in India in respect of 'Plea bargaining'. 8
19. What is 'charge'? State the objectives behind it. 8
20. Define 'rioting'. Mention the nature of punishment provided for it. 8