

BSR/37/15

2016

LAW

FIRST PAPER

Full Marks : 200

Time : 3 hours

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

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

GROUP—A

1. Discuss the right to private defence of the body and its limitations. State the circumstances when the right to private defence of body extends to the causing of death. 12+8=20
2. What is punishment? Discuss the theories of punishment citing decisions of the Supreme Court of India. 5+15=20
3. Distinguish between the following : 10×2=20
 - (a) Kidnapping and abduction
 - (b) Wrongful restraint and wrongful confinement

T16/120

(Turn Over)

(2)

4. "All murder is culpable homicide, but all culpable homicide is not murder." Elucidate the statement. Discuss when culpable homicide is not murder. 10+10=20
5. Explain in detail the offence of sedition with its ingredients. State with reasons whether you are in favour of including the activities endangering security of the country within the purview of the offence of sedition. 14+6=20
6. "Motive is the deriving force to form intention." Explain. Distinguish between attempt and actual commission of crime. Give suitable examples and refer to decided cases. 10+10=20

GROUP—B

7. Give a brief account of the constitution of various classes of criminal courts as provided in the Code of Criminal Procedure, 1973 (as amended up to date). Discuss with illustrations the jurisdictions and powers of such courts. 10+10=20
8. Define 'summary trial'. Discuss in what respects it differs from an ordinary trial. Enumerate the offences as provided under the Criminal Procedure Code which can be tried summarily. 4+6+10=20

9. Who are entitled to claim maintenance under Section 125 of the Criminal Procedure Code? State the grounds on which the maintenance can be claimed and on which the same can be rejected. $5+15=20$
10. Under what circumstances a police officer can arrest a person without warrant? Compare the power of the police with that of a private person and a magistrate in making arrest. $10+10=20$
11. Define FIR. State the objects and evidentiary value of FIR. Discuss the powers of the police to investigate on the basis of FIR. $4+8+8=20$
12. Who is a 'proclaimed offender'? Discuss the provisions under the Criminal Procedure Code relating to attachment of property of a proclaimed offender. $5+15=20$

Answer *any five* questions each within 150 words

13. Write short notes on any *two* of the following : $2 \times 4 = 8$
- (a) Wrongful gain
 - (b) Fraudulent
 - (c) Grievous hurt
 - (d) Section 498A of the Indian Penal Code

14. What do you mean by 'unlawful assembly'? Enumerate its essentials. 8
15. Explain the offence of criminal conspiracy and the punishment for criminal conspiracy. 8
16. Write an explanatory note on 'anticipatory bail'. 8
17. Distinguish between bailable and non-bailable offences. 8
18. Write a note on revisional power of court of sessions. 8
19. What is dowry death? State its essentials. 8
20. Distinguish between summons case and warrant case. 8
