

**PP – 13/3**

**Criminal Laws**

**Paper – III**

*Time : 2½ hours*

*Full Marks : 250*

*The figures in the right-hand margin indicate marks.*

*Answer all questions.*

1. (a) The right of private defence is a unique right in which one gets the liberty to cause the death of another without being liable under the penal laws of the land. However, the right is not one of requital or reprisal.

Justify the statement in the light of the scope and limitations of the right as enumerated under the Indian Penal Code. Do you think that the statement is contradictory or in consonance with the spirit as enshrined in the right. Answer with the help of leading cases.

- (b) Describe the offence of abetment as laid down in the Penal Code. Is it a complete offence ? If yes, explain with the help of

leading cases. Identify the points of similarity and dissimilarity between abetment and criminal conspiracy.  $25 \times 2 = 50$

OR

(a) "The fact that death of a human being is caused is not enough. Unless one of the mental states mentioned in the ingredient is present, an act causing a death cannot amount to culpable homicide." In the light of the statement, identify the actus reus and the mens rea of the offence of culpable homicide. How do the different categories of 'mental states' in culpable homicide apply in the aggravated form of murder? Illustrate with the help of leading cases the fine lines of distinction between culpable homicide and murder.

(b) Write short notes on any **two** of the following :

(i) Consent in Rape

(ii) Unlawful Assembly

(iii) Conjointness in Dacoity  $25 \times 2 = 50$

2. (a) Evaluate the parameters of the offence of cheating. Outline the differences among cheating, criminal breach of trust, criminal misappropriation and extortion.
- (b) Section 201 Indian Penal Code is not restricted to a person who screens an actual offender ; it can be applied even to a person guilty of the main offence. Enumerate the above statement in the light of the judicial evaluation of the nature, scope and applicability of the section. Do you think that above statement offends the right against self-incrimination as laid down in the Indian Constitution ? 25×2 = 50

**OR**

- (a) What is Criminal Force and Assault ? Do they constitute offences under the Penal Code and if so, under what circumstances ? Explain the above with the help of relevant sections and case decisions.
- (b) Discuss the nature and scope of the offence of Adultery as enumerated under the Penal



Code. As explained in **Soumithri Vishnu** case, do you agree that the offence does not violate the constitutional right to equality ? Build your arguments in favour or against the inclusion of the offence under the Code.

25×2 = 50

3. (a) What is the object and purpose of the NDPS Act ? Explain in the light of the provisions of the Act, to what extent the Act satisfies the underlying objects and what are the existing lacunas, if any ?
- (b) Explain the notion of 'Dowry' as laid down in the Dowry Prohibition Act. Can a financial help rendered to the son-in-law to establish a business or settle a career be termed as dowry ? Answer with the help of leading cases.

25×2 = 50

**OR**

- (a) Explain the term "narcotic drugs". What are the various offences laid down in the NDPS Act to curb the consumption and trafficking of narcotic drugs ? To what extent the concepts of reformation and rehabilitation find a place in the Act ?

- (b) Discuss, in detail, the nature and category of offences created under the Dowry Prohibition Act. What are the obligations of a person who receives dowry towards the woman under the Act ? Answer with the help of relevant sections and case decisions.

25×2 = 50

4. (a) What is meant by the term “Essential Commodities” ? What is the object and purpose of the Essential Commodities Act ? How does the Act intend to control the production, supply etc. of certain commodities ?

- (b) What is the machinery created under the SC & ST (Prevention of Atrocities) Act to deal with issues arising out of the Act ? Elaborate the nature and extent of powers conferred to the machinery under the Act ?

25×2 = 50

OR

- (a) In what aspects has the Essential Commodities Act created criminal liability ? Does the condition of **mens rea** or mental element in crime apply to offences under the

Act ? What is the nature and extent of penalties which may be imposed ?

- (b) How does the SC & ST (Prevention of Atrocities) Act explain the term atrocity ? Who can be held responsible for an atrocity under the Act and what may be the punishments imposed for an act/acts or atrocity ?

25×2 = 50

5. (a) Discuss the powers of the Food Inspector under the Prevention of Food Adulteration Act and the procedures to be followed by him.

20

- (b) Who is a Forest Settlement Officer ? What are the powers of the Forest Settlement Officer under the Odisha Forest Act ? 10

OR

- (a) Elucidate the powers of the court in cognizance and trial of offences under the Prevention of Food Adulteration Act. 20

- (b) What are the offences created under the Odisha Forest Act with regard to a reserved forest ? Comment on the adequacy of punishment. 10



6. (a) Write a critical note on the purpose and significance of the Probation of Offenders Act.

(b) Discuss the powers of investigation and trial of offences under the B & O Excise Act.

10×2 = 20

OR

(a) To whom does the Probation of Offenders Act apply ? What are the powers of the Court under the Act ?

(b) What are the general provisions with regard of manufacture, possession and sale of liquor under the B & O Excise Act ?

10×2 = 20



