

NATIONAL LAW UNIVERSITY, JODHPUR

END TERM EXAMINATION (Repeat) – 2026

Semester: UG III Semester

Subject: Crime and Punishment I

Time: Three Hours

Marks: 100

Instructions:

1. Do not write anything on the question paper.
2. Seeking clarity on the question paper is prohibited.
3. Attempt any five

Q. 1. The defence of consent in the Bharatiya Nyaya Sanhita, 2023 is limited in several ways—for example in relation to causing serious bodily harm, ‘immoral’ sexual conduct, and other so-called ‘victimless’ offences. Using relevant provisions of the B.N.S., critically examine whether these limits reflect (a) legitimate state paternalism (protecting individuals from themselves) or (b) legal moralism (enforcing a particular moral code). In your answer, assess whether the B.N.S. is too paternalistic and moralistic in regulating adult, informed consent.

(Marks 20)

Q.2. Keeping in mind the decision in the case of *Yogendra Morarji vs. State of Gujarat* (1980) 2 SCC 218: 1980 SCC (Cri) 394 answer the following questions –

- A. Critically analyze if the court in the above case is succeeding in applying the law relating to the right of private defence as contained in Sections 96 to 106 of the IPC to determine the factual dispute before it. Why is the court failing to refer to its earlier decision in the case of *Jai Dev and Another vs. State of Punjab* AIR 1963 SC 612? Would the citation of this case have made any difference to the manner in which the guilt of the accused appellant is determined? (Marks 10)
- B. Is the court in the above case unconsciously relying on the principles of common law to outline the scope and ambit of the right of private defence of the body in India? Is this approach defensible? (Marks 10)

Q.3. What, if any, is the distinction between the doctrine of joint liability as incorporated in Sections 3(5) and 190 of the B.N.S? Elaborate with the help of decided cases.

(Marks 20)

Q.4. Is the *mens rea* required to constitute the offence under Section 354 of the IPC to be construed objectively or subjectively? Critically analyse the appropriateness of the judgments rendered by the High Court and the Supreme Court in the case of *State of Punjab vs. Major Singh* AIR 1967 SC 63. for their appreciation of this issue.

(Marks 20)

Q.5. What is the rationale for restricting the right of private defence under the BNS only in order to repel the threat of commission of certain kinds of offences, rather than allowing its use to defend against any form of unjustified attack/danger? Should the scope of the right of private defence under the BNS be broadened? If yes, to what extent? Why? Critically analyze.

(Marks 20)

Q.6. What is meant by the modesty of a woman? Is the reaction of the woman relevant in deciding whether there was an outrage of her modesty? Discuss with the help of decided case laws.

(Marks 20)

