

19 NOV 2024

NATIONAL LAW UNIVERSITY, JODHPUR

END TERM EXAMINATION – 2024

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 but Question number ONE, THREE & SIX are compulsory.

Q.1. What is the meaning of the word 'instigation' employed in Section 45(a) of the BNS? What are the facts that the prosecution must prove before a Court can convict an accused person for the offence of abetment under the said provision? Should the existence of reasonable certainty to incite particular consequences be spelt out from the accused person's conduct in every case? In this light, compare and contrast the decisions rendered in the cases of *Cyriac* (supra) and *Rani @ Sahayrani* (supra) and evaluate the correctness thereof. (Marks 20)

Q.2. It is generally said that while Section 3(5) of the BNS merely contains a rule of evidence, Section 190 creates a substantive offence. Do you agree? Discuss the implications of this statement for the criminal law of India with the help of decided cases. (Marks 20)

Q.3. 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.4. 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)

Q.5. Can a person only claim the benefit of Exception 1 of Section 101 of the BNS if the incident causing grave and sudden provocation is specifically directed at him/her? Critically analyse in light of the decision in *Nawaz vs. State* (2019) 3 SCC 517. In particular, discuss the appropriateness of the judgment rendered in that particular case. (Marks 20)

Q.6. Mr. A developed an application called 'Road Block' and made it available for free download on both Google's Play Store and Apple's App-Store. This application helps drivers to identify the precise location of the cameras installed by the Motor Vehicle Department of the State to detect instances of over-speeding. After the availability of this application, the State found it increasingly difficult to catch drivers for the offence of over-speeding, although over-speeding incidents continued to rise across the nation. In this context, the State has decided to prosecute Mr. A for abetting the offence of over-speeding. Prepare arguments from the side of

both Mr. A and the State as regards the former's potential criminal liability for the inchoate offence of abetment. (Marks 20)

NATIONAL LAW UNIVERSITY, JODHPUR  
RE-MID TERM EXAMINATION – 2024  
Semester: UG III Semester  
Subject: Crime and Punishment I

Time: 90

Minutes Marks: 50

Instructions:

1. Do not write anything on the question paper
2. Seeking clarity on the question paper is prohibited.

Q.1 Ranvir Singh (accused) aged 38 and his mother Hema aged 65 were living in a house by the side of the road opposite to Mandore University. The unmarried accused used to often quarrel with his mother over the quality of the food she used to serve him. On 26.04.2015 at about 7:30 p.m. PW 2 a cousin of the accused living in a house nearby heard a commotion in the accused's house and she heard Hema is crying out that she was being killed and the accused replying that she deserved something more than killing. She rushed to the place but when she reached the house of the accused, she found him come out of the front door and scared her away by telling that he would finish off anyone coming near. After saying this he went back inside and closed the door.

After 30 minutes the woman's cries ceased and accused came out wearing a white shirt and a pair of khaki shorts both stained with blood. He walked away to the northern side of the house. Those who gathered in front of the house could see through the open door the woman lying in a pool of blood. The accused was arrested from the spot by the police. The dead body was sent to the district hospital.

During the trial PW 1 (cousin of the accused), and PW 2 said that the accused used to suffer from epileptic fits. PW 2 stated that the accused was suffering from the fits from the age of 10 or 15 years and the attack would occur once in a week or even month. PW 2 further stated that the accused would begin to show signs of attack some 24 hours before the actual epileptic seizure. During the period accused used to abuse his mother and rush out like a madman. PW 2 adds that when the fits occur the accused would fall down unconscious and get up half an hour later, completely recovered. Trial court convicted the accused under S -103 of B.N.S. The accused prefers appeal to the high court.

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| a) | Prepare arguments from the side of appellant  | (Marks 08) |
| b) | Prepare arguments from the side of respondent | (Marks 08) |
| c) | Decide the case                               | (Marks 04) |

Q.2 Critically analyse the law relating to right of private defence of body and explain under what circumstance the said right extend to causing death (Marks 20)

Q.3 'Whether the test adopted in *state of Orissa vs. Ram Bahadur Thapa* AIR 1960 Ori 161 for determining the existence of good faith on part of the accused person as per Section 2 (11) of the B.N.S corresponding to Section 52 of the Indian Penal Code, 1860 is subjective or objective? What should the nature of the test be? Is the manner in which the test is currently applied in India satisfactory?'

(Marks 10)