



KUSUM LAW ACADEMY

YOUR SELECTION IS MY PASSION

Maximum Marks: 200

Time duration: 3 hrs.

Instructions:

- (a) All questions are compulsory.**
- (b) Please leave space after every question for comments.**
- (c) Make a single pdf of the answers.**
- (d) Email on klatestonline@gmail.com**

1. Define “dishonestly”. 5
2. Define principle of strict liability. 5
3. A, a woman, throws her newly-born female child into a drain. A passer by saves the child. What offence has A committed under the Indian Penal Code? 10
4. When is an act considered as an “accident” so as to be covered under Section 80 of the Indian Penal Code, 1860? 10
5. Explain the meaning of “criminal act done in furtherance of common intention”. 10
6. Examine the concept of “grave and sudden provocation” provided in Exception-1 of Section 300 of the Indian Penal Code, 1860. Point out the circumstances where under the accused cannot be given benefit on the ground of grave and sudden provocation. 10

7. “The criminal liability of an abettor starts as soon as an offence is abetted but the degree of such liability finally depends on consequences of abetment.” Explain. 10
8. Present a critical analysis of constitutional validity of section 497 IPC. 10
9. Explain the offence of defamation described under Chapter XXI of the Indian Penal code 1860. 10
10. Discuss the law relating to criminal intimidation in what way extortion is different from criminal intimidation. 10
11. Discuss the law relating to medical negligence. 10
12. In an executive committee meeting of an institution, one X made remarks that the father and the uncle of the accused were monopolizing seats of authority and that they were dishonest. The accused on hearing this, went to his house which was about a furlong away and brought a gun. By that time, the meeting had ended in disorder and the people were dispersing on the road. The accused asked those who were near X to move away because he wanted to shoot X, then he fired a shot but missed his aim. X then started running to save himself, in the meantime, the deceased who was the maternal uncle of the accused rushed towards the accused in order to prevent him from using the gun. The accused, however, pushed him back and fired at X, but the deceased came between the gun and X and was shot in the back and died. Decide. 20
13. Ruby and Ramesh were married on 3.1.2012. they both lived together happily for about a year after which they started having differences over various issues including the issue of Ruby’s employment in BPO. On 4.02.2013 Ruby left her matrimonial home and started residing separately in a rented accommodation in Saket. They both did not get in touch with each other thereafter. On 4.6.2013 Ramesh came to her rented flat at about 9 pm. Ramesh asked her to leave her job and come back to the

matrimonial home but she refused. He tried to get physically intimate with her but she pushed him back and told him to leave her flat. Ramesh in anger caught hold of her neck and hit her head against the wall three times thereafter he forcibly disrobed her completely, threw her on the bed shouting that he would rape her to teach a lesson. He removed his undergarments and lay on the top of her however, only then the doorbell rang and hearing the doorbell ring he got up, wore his clothes and ran out of the flat through the back door. Ruby covered herself with the bed sheet and ran and opened the door and found her neighbour Seema standing at the door. Ruby while weeping told everything to Seema. Ruby lodged her complaint in the police station Saket. On 5.6.2013 Ramesh sent an email to her threatening her to withdraw her complaint otherwise he would put on the internet and send to her office colleagues her semi-nude photographs taken by him. He sent to her as an attachment with the email her 5 semi-nude photographs. The FIR is registered. Charge-sheet is filed. Trial commences. Write a reasoned judgement finding out what offence is made out if any. 40

14. Sita Devi was married to Ramesh on 16.04.2006. Two children, Arpit and Pankaj, were born out of this wedlock in the years 2008 and 2012 respectively. Ramesh used to quarrel with Sita on trifling issues. Ramesh and his mother Kailashi Devi were not satisfied with the dowry given in the marriage. Ramkishan, father-in-law of Sita, however, protected her on several occasions and asked his own wife Kailashi Devi and son Ramesh not to harass and torture Sita for bringing inadequate dowry. Even then, Ramesh and Kailashi subjected Sita to cruelty and mal-treatment. Exasperated by circumstances, Sita committed suicide on 09.09.2015. Dashrath, father of deceased Sita, lodged a first information report against her husband, mother-in-law and father-in-law. On basis of the FIR lodged

by Dashrath, father of Sita, investigation was made and Smt. Kailashi, Shri Ramkishan and Shri Ramesh were charge-sheeted. The competent court took cognizance of the offence and the case was committed to the Court of Sessions. The Sessions Court framed the necessary charges against all the accused persons. The accused denied the charges and desired trial. During the course of trial, Krishan Kumar, Om Prakash and Smt. Radha (neighbours of the accused persons), Dashrath (father of the deceased), Vasundhara (mother of the deceased) and Kiran Kumari (sister of the deceased) were examined. All these witnesses stated about torture and harassment of deceased Sita by Ramesh and Smt. Kailashi for dowry. Nothing was said by these witnesses against Shri Ramkishan. The accused were afforded opportunity by the Court to explain the circumstances appearing against them in prosecution evidence. Final Order is passed by the Court. Write a judgment, briefly discussing as to for what offence the accused persons are charged and ultimately what order is passed, either of acquittal or of conviction, giving reasons therefor.

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