

ARUNACHAL PRADESH PUBLIC SERVICE COMMISSION

Subject: - Indian Penal Code

Time: 3 (three) hours

Full Marks: 100

(Group A is compulsory. Attempt any FOUR questions from Group- B)

GROUP-A (Compulsory Group)

Q.No.1. Attempt any 10 (ten) from the following:

(10×2=20)

- What constitutes a grave and sudden provocation?
- What offence, if any, is caused by the accused in the following case?
With a view to chastising her daughter, the accused gave a kick on the back and two slaps on her face, the result of which was death.
- What does '*actus non facit reum, nisi mens sit rea*' mean? Give one example.
- What are the general restrictions on the right to private defense under Sec. 99, IPC?
- What is abduction? What are the essential ingredients?
- Write short note on criminal misappropriation
- What do you understand by mistake of law?
- Write a short note on criminal breach of trust.
- Discuss the essentials of Section 361.
- B caught A sitting on a branch plucking mangoes in B's garden. Decide if A can be convicted for theft.
- What do you mean by unsoundness of mind?
- Bring out the essentials of group liability under Sec. 34 IPC.

Group-B (Attempt any four)

Q.No.2. Attempt any 4 (four) from the following:

(4×5=20)

- Bring out the essential ingredients of offence under section 309 IPC.
- Bring out the essential ingredient of offence of theft.
- Illustrate and explain in brief 'intention'.
- Explain the law of sedition.
- "The defense of irresistible impulse has been rejected in charges of murder".
Discuss.

Q.No.3. Attempt any 4 (four) from the following:

(4×5= 20)

- a. Illustrate and explain 'motive'.
- b. What do you understand by mistake of fact.
- c. Briefly explain 'fraudulently'.
- d. When is a man said to commit the offence of rape?
- e. Discuss the essential ingredients for the offence of extortion.

Q.No.4. Attempt any 4 (four) from the following:

(4×5=20)

- a. Discuss the law relating to commencement and continuance of the right to private defense of property.
- b. Discuss: "Common intention is not the same thing as same intention".
- c. Discuss the requirements of joint liability under Sec. 34 and 149, IPC.
- d. Explain the principles regarding "attempt" as laid down in State of Maharashtra v Mohd. Yakub.
- e. Examine the possibility of securing conviction of B in the following case:
B, a young businessman gave pills to G his girlfriend, to procure abortion, but nothing happened as – (i) G has not conceived, or (ii) the pills turned out to be made of sugar alone. B is charged with an attempt to cause miscarriage.
- f. Discuss the liability of A in the following case:
A had gone to his father-in-laws house to fetch his wife. On account of some quarrel between A and his brother-in-law, B, A lost his temper and gave one blow with a knife on B's chest which resulted in his death.

Q.No.5. Attempt any 4 (four) from the following:

(4×5=20)

- a. Bring out the essential ingredients of offence under section 498A.
- b. Discuss the importance of mens rea in criminal law.
- c. Explain when culpable homicide does not amount to murder with the help of illustrations and decided cases.
- d. Discuss the liability of A in the following case:
A kicked his wife aged about 9 years on her back with his barefoot. She fell down and died immediately.
- e. "Right to private defense can be exercised only against the offender." Discuss.
- f. Bring out the essential ingredient of offence under section 304B IPC.

Q.No.6. X with the intention to kill shoots at Z but the gun fails because of some inherent mechanical defect. X did not know anything about the defect. X is prosecuted under Sec. 307, IPC. Decide.

(20)

Q.No.7. About 100 people forcibly entered into one of the leading corporate office in Delhi. Some of them assaulted people in the office and even one of the officials was killed. All of them were arrested and subsequently charged with Sec.302/149, IPC. Those who did not participate but simply witnessed the happening plead defense. Argue from both sides. (20)

Q.No.8. Nasiruddin was a devout Muslim. One day, his Pir (Preceptor) induced him to sacrifice his son if he wanted a birth in Heaven. Next day, he took his son to a mosque and killed him there. Leaving the dead body there, he came to tell his uncle all that he had done to his son to secure a berth in heaven. But when he found a policeman sitting with his uncle, he took him aside and told him the entire episode. On a trial for murder, he took the plea that he was suffering from insanity and deserved the benefit of Sec.84 IPC. The prosecution, however, was of the view that not only he knew the nature of the act but also that it was contrary to law. Decide. (20)