

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May, 2019

Course: Law of Crimes III **Semester: IV**
Programme: BA., LL.B. (HONS.) ENERGY LAWS 2017 CC: CLCC 2007
 BBA, LL.B. (Hons.) Corporate Laws 2017
 BBA, LL.B. (Hons.) BFIT 2017
 B.Com.LL.B. (Hons.) Taxation Laws 2017
 BA., LL.B. (HONS.) CRIMINAL/LABOUR LAW/CONSTITUTIONAL LAW 2017

Time: 03 hrs. **Max. Marks: 100**
Instructions:

SECTION A

S. No.	Note: Attempt All Questions in this Section	Marks	CO
Q1	What are the grounds of Transfer of Cases by the Supreme Court?	2	1
Q2	Who is empowered to withdraw a case from prosecution and when?	2	1
Q3	What are the offences, which can be tried in Summarily?	2	1
Q4	What orders can be passed by the Magistrate under Section 133 Cr..P.C?	2	1
Q5	Who can appeal in case of acquittal under section 378 Cr. P.C?	2	1

SECTION B

	Note: Attempt any 2 questions in this section		
Q6	Explain the powers of the court to deal with an offender who has failed to observe the conditions of the bond executed under Sec. 4 of the Probation of offenders Act, 1950. Also explain its relation/contradiction with Sec. 360 of Code of Criminal Procedure Code, 1973.	10	2
Q7	Section 209 (Commitment of the case to Court of Session when it is exclusively triable by it) reads as: When in a case instituted on a police report or otherwise..."	10	2

	What do you understand by the term “cases instituted on otherwise than police report” and how the process in such cases is different from cases instituted on police report? Explain with the help of relevant legal provisions and case laws.		
Q8	<p>Explain the following:</p> <p>a) Explain the power of High Court to order further enquiry to be made or additional evidence to be taken when a death sentence is submitted to High Court for confirmation.</p> <p>b) In a case of embezzlement by Mr. A, the court passed an interlocutory order of confiscation of assets of Mr. A pending decision of the court. Mr. A files a revision application before the court. Can he do so? Explain with relevant provisions of Cr. P.C.</p>	10	2
SECTION-C			
	Note: Attempt any 2 questions in this section		
Q9	<p>“If in any inquiry into an offence or a trial before a Magistrate, it appears to him at any stage of the proceedings before signing judgment that the case is one which ought to be tried by the Court of Session, he shall commit it to the Court of Session.”</p> <p>In the light of above statement, discuss the trial before Court of Session.</p>	10	3
Q10	<p>In State of <u>U.P. v Chandrika</u> AIR 2000 SC 164, the SC observed, “Mere acceptance or admission of the guilt should not be a ground for reduction of sentence. Nor can the accused bargain with the Court that as he is pleading guilty sentence be reduced.”</p> <p>Discuss the paradigm shift in judicial approach towards the concept of Plea Bargaining?</p>	10	3
Q11	<p>In <u>Delhi Gang rape</u> case, the court has relieved one juvenile in the group of the six perpetrators. In the beam of law where one side propounds the lenience on minors as a mandate for a civilized society, the other categorically demands a retributive reformation equating to the misdeed perpetrated. For those juveniles who commit even the most barbaric of crimes, Indian law cushioned the punishment by making the maximum sentence to be of only three years, that too, in a reform facility.</p>	10	3

	Discuss the above statement also evaluate the salient features of the Juvenile Justice (Care and Protection of Children) Act, 2015		
SECTION-D			
	Note: Attempt both the questions		
Q12	<p>Mr. and Mrs. NK Chakraborty have one daughter named Munmun and one son named Kaushal. They have four stories bungalow in Kolkata, 4 acre of agricultural land and an ancestral house in the village Vishnupur, 50 KMs. away from Kolkata. They have crossed the age of 70 years and presently living in Kolkata and facing acute financial crisis. Mr. Chakraborty is suffering from Acute Renal Failure and on dialysis. Munmun is elder and 35 years old, employed in Software Company in Bengaluru and married to Mr. Ratan. She has recently purchased a flat in Bengaluru and paying EMI of Rs. 40,000/PM with her husband. Kaushal is 31 years old unmarried and employed in a private company in Noida. No one is in position to look after their parents either through physical or in the way of financial support. Kaushal has suggested his parents to sell the house and come to Noida but Munmun has objected and claimed share in the property. Meantime Mr. Chakraborty expressed inability to move Noida and asked his both children to look after them. Both of them have not refused directly but expressed inability to provide financial assistance at present. Consequently, Mr. Chakraborty has filed an application for maintenance under section 125 Cr. P.C. in the Court against Munmun as well as Kaushal on 22 December 2018. He has claimed Rs. 10,000/PM as maintenance and for routine medical treatment from each of the children. Munmun has shown inability and stated that she is married and living in Bengaluru and paying huge EMI where as Kaushal has stated that his income is so meager that he is not in position to provide maintenance and financial assistance for medical treatment to his parents. The case is lying in the court of First class Magistrate in Kolkata.</p> <p>(a) Whether the Court can order Munmun to provide maintenance and financial assistance to her parents! If yes or no, state the provisions and relevant case laws in support of your answer. (10 marks)</p> <p>(b) Whether the Court can order Kaushal to provide maintenance and financial assistance to his parents! If yes or no, state the provisions and relevant case laws in support of your answer. (10 Marks)</p> <p>(c) Can the Court provide any immediate relief to the parents? (5 marks)</p>	25	4
Q13	Rahul and Raman entered into a fight on 16 th March 2019 at 3pm in the parking area of the Pacific Mall, Rajpur Road Dehradun. Raman punched Rahul with his fist	25	4

resulting in a prominent black eye and broken nose. Mr. Menon an eminent politician and uncle of Raman was waiting in Raman's car in the same parking while the brawl took place. The Mall Manager called the Rajpur Road Police Station, wherein the police arrested Raman and Rahul. Mr. Menon apprehending that he may be arrested, quickly drove to the family lawyer Mr. Singhanian. In a previous case, Raman had been granted bail on 8th March 2019 where he was arrested on charges of assault resulting from road rage in Rajpur Road.

Based on above facts, answer the following questions :

- (a) As the lawyer Mr. Singhanian, advise recourses for Mr. Menon. (10 marks)
- (b) Can bail be granted to Raman? Decide as Competent Authority with reasons and providing conditions under which bail may be granted? (8 Marks)
- (c) Critically examine the purpose of granting bail? (7 marks)

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SECTION A

S. No.	Note: Attempt All Questions in this Section	Marks	CO
Q1	Under which section and on what grounds can the Court alter its judgment?	2	1
Q2	What is abatement of appeals? When does an appeal abate?	2	1
Q3	Under what situations can section 144 of Cr.P.C. be imposed?	2	1
Q4	What are the cases where offender can be released on Probation under Section 3 of Probation of Offenders Act?	2	1
Q5	Write any 2 differences between Bail and Bond.	2	1

SECTION B

	Note: Attempt any 2 questions in this section		
Q6	Explain the duties and powers of a probation officer. What should be the immediate response of a probation officer, in a situation of violation of conditions of probation by a person (offender) released on probation?	10	2
Q7	What is Plea bargaining and what is its significance in criminal trials? In which cases the plea bargaining is not available.	10	2
Q8	Explain the powers and duties of Juvenile Justice Boards and role of social welfare officer in such boards.	10	2

SECTION-C

	Note: Attempt any 2 questions in this section		
Q9	<p><i>“A child in conflict with law means a child who is alleged or found to have committed an offence”</i></p> <p>(a) Who is a Juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015 (3 marks)</p> <p>(b) Analyze the classification of offences under the Juvenile Justice (Care and Protection of Children) Act, 2015. (7 marks)</p>	10	3
Q10	<p><i>“In a criminal proceeding, compensation can be awarded to the victim even if accused was not convicted and the courts are free to award compensation even if accused was not convicted because every case has its different situations.”</i></p> <p>In the light of above statement, evaluate the victim compensation schemes under The Criminal Procedure Code, 1973.</p>	10	3
Q11	<p>In <u><i>Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra</i></u> (2009)6 SCC498, the court had listed out the factors that should be taken into consideration before confirming a death sentence. They are nature, motive, and impact of crime, culpability, quality of evidence, socio economic circumstances, impossibility of rehabilitation.</p> <p>Explain the procedure for confirmation of death sentence under the Cr. P.C.?</p>	10	3
SECTION-D			
	Note: Attempt both the questions		
Q12	<p>Mr. PV Reddy, a State Government employee, was living in relationship with a woman named Kavita since 4 years in Hyderabad. They had one daughter on 10 September 2018 on which Mr. Reddy became disappointed and started betraying Kavita. He left Kavita on 20 December 2018, went to his home in Vizag where he got married with Miss Angel Rao in 28 February 2019. Kavita felt cheated and went in depression. She finds herself difficult to maintain herself and her daughter. She could not ask any support from her parental side as she was living in relation with Mr. Reddy against their will. She became aloof and asked help from her old friend Mr. Amod. They had conversation with Mr. Reddy but he refused to take care Kavita and his daughter. Thereafter, Kavita filed a criminal suit under section 494 of Indian Penal Code and also applied maintenance under section 125 of the Code of Criminal Procedure on 12 March 2019 in the Court of Hyderabad.</p>	25	4

	<p>(a) Decide whether Kavita may get maintenance under section 125 Cr. P.C. from Mr. Reddy pending trail under section 494 I.P.C. (8 marks)</p> <p>(b) Whether the Court can pass order to Mr. Reddy to maintain his minor daughter! (7 marks)</p> <p>(c) Discuss the other relevant laws and case laws to decide the above case. Can the Court provide any immediate relief to Kavita and her minor daughter? (10 Marks)</p>		
Q13	<p>Meera and Raghav married each other against the wishes of their parents in the year 2015 in Dehradun. Raghav belonged to an affluent business family and his uncle Ravikant was an eminent politician in the ruling party. Raghav died in 2017 in a road accident. Raghav’s father Raghudev, aged 70 years, had a medical history of high blood pressure and his mother Rukmani, aged 65 years, is suffering with cardiac disease and under treatment of a renowned cardiologist of the city. Meera’s sister in law Nalini (sister of Raghav) aged 15 years is a National level shooter. Raghudev, Rukmani and Nalini were arrested for assault on Meera at their residence in Vasant Vihar, Dehradun.</p> <p>Based on the above facts answer the following questions:</p> <p>(a) Can Raghudev, Rukmani and Nalini be released on bail? Decide citing reasons and relevant case laws highlighting the objective and purpose of Bail. (15 marks)</p> <p>(b) Apprehending arrest, Ravikant wants to move an application for anticipatory bail. As the Competent Authority, decide giving factors that would be considered while disposing his bail application. (10 Marks)</p>	25	4