

GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS
 Course: **Law of Crimes**
Semester- III (Batch: 2023-28)
End Semester Examination: Oct-Nov 2024

Date: 23rd October 2024**Duration: 3 hours****Max. Marks: 50****Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Answer the questions keeping in mind the provisions of both Indian Penal Code 1860 and Bhartiya Nyaya Sanhita 2023.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

Part A

- | | Marks |
|---|--------------|
| Q.1 Section 152 of the newly enforced Bhartiya Nyaya Sanhita 2023 has reformed the law related to sedition in India. Justify this statement with critical analysis with the help of- <ul style="list-style-type: none"> ● Comparative aspect of Indian Penal Code 1860 and Bhartiya Nyaya Sanhita 2023. ● Relevant landmark judgments. | (10) |
| Q.2 The newly enacted Bhartiya Nyaya Sanhita 2023 has defined organized crime in the widest possible terms. Along with that, it has attempted to punish terrorist activities. These two special crimes have already been penalized under special laws such as Maharashtra Control of Organized Crime Act (MCOCA), 1999 and Unlawful Activities (Prevention) Act (UAPA), 1967. These special laws are often misused by the enforcement machinery without any due justifications.

In light of this reality, elaborate the elements of the offence of organized crime and terrorist activities as listed in Sections 111 to 113 of the Bhartiya Nyaya Sanhita 2023. Discuss the possible impact of punishing these special offences through general laws of the land. | (10) |
| Q.3 <i>“A marriage celebrated under a particular personal law cannot be dissolved by the application of another personal law to which one of the spouses converts and the other refuses to do so.”</i>

Assess the statement in the light of- <ul style="list-style-type: none"> ● Laws related to bigamy in India. ● Landmark judgements dealing with diverse aspect of the offence of bigamy. | (5) |

Part B**Marks**

Q.4 Justify **any three** of following statements in **30-40 words each**:

(3 x 2
= 6)

- a) *Mens Rea* is an essential element of every crime. This ingredient is applicable for each and every offence without any exceptions.
- b) There is no difference between common intention and similar intention. They are one and the same.
- c) After the enactment of BNS 2023, the Death Penalty as a punishment has been abolished in India and it has been replaced by Community Service.
- d) Under the scheme of IPC 1860, Insanity is considered as general exception but Intoxication is not considered as general exception.

Q.5 Answer **any three** of following questions in **80-100 words each**:

(3 x 3
= 9)

- a) Harish was arrested by Ram, a police officer. On being produced before Magistrate, Harish was remanded to police custody for twelve days. Ram did not provide food to Harish continuously for four days due to which health of Harish started deteriorating. On fifth day, when Superintendent of Police came to know about it, he suspended Ram. Shyam was then posted as SHO and he illegally omitted to supply food to Harish for next four days. Harish died of hunger. Both Ram and Shyam have been charged for murder of Harish. Is the charge sustainable? Explain with reasons.
- b) Jacob is a teacher in a public school at Delhi. Jacob assaulted Mathew, a second standard student with a wooden stick. It resulted in injury to the left eye. Despite the treatment and surgery, Mathew lost his eyesight. Mathew's father went to police station to lodge the First Information Report (FIR). As an Inspector of Police, for which offence would you register the FIR? Explain with reasons.
- c) Ramesh and Suresh are sworn enemies of each other. They have been swept away by the flood in Vadodara. To prevent himself from drowning, Ramesh clung to a plank of wood. At that time, Suresh who was also carried away by flood, tried to save himself by holding on to same plank of wood. Ramesh pushed Suresh away. Suresh was drowning in water and was on the verge of dying when he was miraculously rescued by a noble man. Suresh prosecutes Ramesh for attempt to murder. Ramesh claims that he had no intention to kill Suresh. Alternatively, he claims the defense of necessity. Decide.
- d) A girl aged 17 years was living under the care and protection of her parents in Daman. She was in intimacy with a shopkeeper named Mahesh running a shop near her house. One day, the girl left her house and went to Mahesh and asked him to take her away permanently. He took her to several places. He then handed her over to his friend

Rumal. Rumal took her to Kolkata. Rumal was arrested in Kolkata. Meanwhile. Mahesh was also arrested. Decide the criminal liability of Rumal and Mahesh.

- Q.6 You are the Sessions Judge of Sessions Court, Daman. A case has been allotted to you by the Magistrate. The details of the case are as follows. Decide the case in the light of relevant provisions of law and decided cases in **400-500 words**. (10)

Prosecution Story

The accused named Jack Sparrow is the Captain of the Caribbean Naval Ship "Black Pearl". He married Elizabeth in 2016 in the registry office at Portsmouth, Tortuga. They have three children by the marriage. Since the time of marriage, the couple were living at different places having regard to the exigencies of service of Captain Jack Sparrow. Finally, they shifted to Daman, India in the year 2020. In the same city the deceased Will Turner was living and doing business in weapon manufacturing. In 2021, Hector Barbossa, who was common friend of Jack Sparrow and Will Turner, introduced them to each other. Will Turner was unmarried. Jack Sparrow was frequently going away from Daman in his ship, leaving his wife and children in Daman. Gradually, friendship developed between Will Turner and Elizabeth, which culminated in illicit intimacy between them. On 28th July 2024, Elizabeth confessed to Jack Sparrow of her illicit intimacy with Will Turner. Enraged at the conduct of Will Turner, Jack Sparrow went to his ship, took from the stores of the ship a semi-automatic revolver and six cartridges on a false pretext, loaded the same, went to the flat of Will Turner entered his bed-room and shot him dead. Thereafter, the accused surrendered himself to the police. He was put under arrest and in due course he was allotted to the Sessions Court for facing a charge under Section 103 of BNS 2023.

Jack Sparrow's Version

I was away on my beloved ship, The Black Pearl, from 6th April 2024 to 18th July 2024. I am a Naval Officer. I and my fellow officer always abide by our duty with the anthem 'Yo Ho! Yo Ho! An army life for me!'. After coming back to Daman on 18th July 2024, I was really happy to be back with Elizabeth. But my wife was behaving strangely. She was neither responsive nor affectionate towards me. I tried to ask her about her issues but she did not tell me anything. On 28th July 2024, when we were sitting for the lunch, I asked her again. She told me that she had committed a mistake. She told me that she had been unfaithful to me. She told me that she had an illicit affair with Will Turner. I got really angry. Afterwards, she started crying. She pleaded me not to go to Will Turner's house. But I was angry and confused. Her confession shook me from inside. I love my Elizabeth very much. So, I decided to not talk about it. Thereafter, I took my family to Cinema. I

dropped them there and promised to pick them up at 6:00 pm after the movie. I then went to Black Pearl. I took my revolver and told the authorities that I have to go to Bombay for some work. But my real purpose was to shoot myself with the revolver. Before that, I wanted to ask Will Turner to marry Elizabeth. So, I went to his house. I rang the bell. It was opened by the servant named Billy. I went to Will's bedroom and locked the door from inside so that servant does not hear our talks. I told him that I came to know about his affair with my wife. I told him that I am going to kill myself. And I asked him whether he would marry Elizabeth and take care of her and my children. Will Turner denied. I got really angry and slapped him. Thereafter, he took out his gun and threatened to kill me. Before he can shoot, I took out my revolver which I took from the Black Pearl and shot him. I never wanted to kill him. However, it happened. I was feeling so much guilty that I took my car to the police station and told them everything. I surrendered before the police because I did not want any harm on Elizabeth and my family.

Prosecution Arguments - The accused has caused the death of Will Turner with the intention of causing death. Therefore, he is liable to be punished for the offence of murder under Section 103 of BNS 2023.

Jack Sparrow's Plea - I never wanted to kill Will Turner. I wanted to kill myself. It just so happened that when he was about to shoot me, I shot him due to my instinct as Naval Officer. I shot him in private defense. I am not guilty for any offence.

Defense Arguments

- The accused has exercised his right of private defense.
- Alternatively, the death of Will Turner was an accident and the accused must not be held liable for any offence.
- If the court comes to the conclusion that the death of Will Turner is caused by the accused, it is pleaded that the accused acted in grave and sudden provocation.

Points for Determination

- a) Whether Jack Sparrow's plea of right of private defense is acceptable?
- b) Whether the defense argument that the death of Will Turner is caused by an accident is acceptable?
- c) Whether Jack Sparrow caused the death of Will Turner in grave and sudden provocation?
- d) For which offence(s), if any, Jack Sparrow is liable?
- e) What is the punishment, if any, that may be awarded to Jack Sparrow?
