

Mumbai University

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Law of Crimes.

Descriptive Questions & Answers Compiled by Rahul Kulkarni

Q1) What is Crime?

Ans. CRIME denotes an unlawful act punishable by a state. The term "crime" does not, in modern criminal law, have any simple and universally accepted definition, though statutory definitions have been provided for certain purposes. The most popular view is that crime is a category created by law; in other words, something is a crime if declared as such by the relevant and applicable law. One proposed definition is that a crime or offence (or criminal offence) is an act harmful not only to some individual or individuals but also to a community, society or the state ("a public wrong"). Such acts are forbidden and punishable by law. The notion that acts such as murder, rape and theft are to be prohibited exists worldwide. What precisely is a criminal offence is defined by criminal law of each country. While many have a catalogue of crimes called the criminal code, in some common law countries no such comprehensive statute exists.

Usually, to be classified as a crime, the "act of doing something criminal" (actus reus) must - with certain exceptions - be accompanied by the "intention to do something criminal" (mens rea). While every crime violates the law, not every violation of the law counts as a crime. Breaches of private law (torts and breaches of contract) are not automatically punished by the state, but can be enforced through civil procedure.

Q2) What is administration of justice?

Ans) Administration means management and justice means fair treatment or to right and equitability of rights.

According to Salmond, administration of justice implies maintenance of right with in a political community by means of the physical force of the state. For sound administration of justice, physical force of the state is prime requirement.

State maintain law and order and establish peace and social security. If state failed to maintain the law and order it can't be called state. The main function of the administration of justice is the protection of individuals' rights, enforcement of laws and punishment of criminals.

Q3) Difference between civil and criminal justice?

Ans) There are two types of justice, Civil and Criminal. Which means there are two types of wrongs, civil wrongs and criminal wrongs. Criminal wrongs are Public wrongs while civil wrongs are private wrongs. Civil justice - The main object of the administration of civil justice is to provide relief by way of compensation or other relief to the injured party. Criminal Justice- The administration of criminal justice is to punish the offender. Punishment may be described as the infliction by State Authority, of a consequence normally regarded as an evil (imprisonment or death) on an individual found to be legally guilty of a crime.

Civil Law	Criminal Law
<p>Civil Law is a general law which solves disputes between 2 organisations or individuals. As per Civil Law the wrongdoer will have to compensate the affected organisation or individual. Civil Law deals with Property, Money, Housing, Divorce, custody of a child in the event of divorce etc.</p>	<p>Criminal Law deals with offences that are committed against the society. It mets out varying degrees of punishment commensurate with the crime committed. Criminal Law will deal with serious crimes such as murder, rapes, arson, robbery, assault etc.</p>
<p>Civil Law is initiated by the aggrieved individual or organisation or also known as 'plaintiff.'</p>	<p>The Government files the petition in case of criminal law.</p>
<p>In case of Civil Law, to start a case, the aggrieved party needs to file a case in the Court or Tribunal</p>	<p>As per Criminal Law, to start a case, a petition cannot be filed directly in a court, rather the complaint should be first registered with the police, and the crime needs to be investigated by the Police. Thereafter a case can be filed in the court.</p>
<p>The objective of Civil Law is to protect the rights of an individual or organisation and make sure that he or</p>	<p>The purpose of Criminal Law is to punish the wrongdoers and protect society, maintain law and order.</p>

the concerned organisation receives the compensation for the wrongs that they have suffered.	
In Civil Law, the wrongdoer gets sued by the complainant or the aggrieved party.	In Criminal Law, the accused person will be prosecuted in the court of law.
In the case of Civil Law, there is no punishment like Criminal Law, but the aggrieved party receives the compensation and the dispute gets settled.	In the case of Criminal Law, punishment is meted out as per the seriousness of the criminal offence committed or a fine could be imposed.
In the case of Civil Law, the power of the court is to pass judgement or injunction to compensate for damages caused to the aggrieved party.	In the case of Criminal Law, the powers of the court are charging a fine, imprisonment to the guilty of a crime, or discharge of the defendant.
In Civil Law cases, the defendant is considered to be either liable or not liable.	In Criminal Law parlance, the defendant is considered either guilty or not guilty by the court.

Q4) Distinguish Mens rea vs Actus Rea

Ans) A crime is a moral wrong, committed against the society as a whole. It disturbs the peace, and some crimes may cause widespread panic and disruption of normal activities in a community (Example: - the shooting in Orlando, Florida).

The burden of prosecution of a crime falls on the State. The State acts to protect the victims of the crime and to prevent the offender from committing more crimes and acts to provide justice to the victims. The State also takes measures to punish the offender and most countries have reformation programs in prison in an attempt to steer the offenders towards becoming law-abiding, dutiful citizens

Mens rea and Actus Reus are two essentials of any crime and are the principles used in most common law countries. Mens rea is the 'guilty mind' or guilty intention to commit a crime, with the intention of causing hurt to another person, animal, or with the express intention of disturbing the peace. Actus Reus, however, is the "guilty act", which is a necessity in proving that

a criminal act was committed. When dealing with any crime, there are certain principles that need to be followed, and the accused is given the benefit of the doubt. The onus is on the prosecution to prove his/her guilt, beyond a reasonable doubt. The goal of the defense is to provide the judge or jury with a reasonable doubt since the principles of justice dictate that a person cannot be convicted if the charge on which he/she is accused cannot be proven beyond a reasonable doubt.

Mens rea is an essential part of deciding whether an act is culpable or not. Mens rea displays specific intent by the accused for the commission of the crime for which he is charged. The accused must be proven to have knowingly committed the crime, and had full knowledge of their actions and must have malafide intent towards the victim. Mens rea is also used in some civil suits, requiring the defendant to have been aware of the repercussions of their actions for a civil liability to arise, but usually, the Actus Reus takes precedence in cases of civil liability.

Actus Reus is the physical aspect of a crime. The accused needs to have done something or omitted to do something, resulting in injury to the plaintiff, or the victim in civil cases. Without a guilty act, there can be no crime and no suit for damages can arise. An act alone does not make a crime, however, and both the intention of the person and the act itself, if such act is prohibited, combine to form the crime.

Q5) What are the stages of crime?

Ans) The four stages of crime are as under:

Intention

The intention is the first stage of any offense and is known as the mental or psycho stage. In this stage, the offender decides the motive and decides his course or direction towards the offense. The ironical fact about this stage is that the law cannot punish the person just for having an intention to do any illegal act. Moreover, being the mental concept, it is very difficult to judge if a person possesses any such intention. Just by having an intention will not constitute an offense.

Preparation

Preparation is the second stage of crime. It means to arrange the necessary resources for the execution of the intentional criminal act. Intention and preparation alone are not enough to constitute a crime. Preparation is not punishable because in many cases the prosecution fails to prove that the preparations in the question are for the execution of the particular crime.

Attempt

An attempt is a direct movement towards the execution of a crime after the preparation of the plan. According to law, a person is guilty of an attempt to commit an offense if he/she does an act which is more than simply preparatory to the commission of the offense. Moreover, a person is guilty of attempting to commit an offense even though the facts are such that the execution of the offense seems to be impossible.

Accomplishment

The last stage in the commission of an offense is its successful completion. If the accused becomes successful in his attempt to commit the crime, he will be guilty of the complete offense. Moreover, if his attempt is unsuccessful he will be guilty of his attempt.

Q6) What are the different theories of punishment?

Ans) There are different kinds of punishment that a person can face. In order to understand them, first, we need to understand the theories of the punishment. There are majorly four theories of punishment. These theories are the deterrent theory, retributive theory, preventive theory, and reformatory theory.

Deterrent Theory:

The theory assumes that the punishment is given only for the sake of it. Thus, it suggests that evil should be returned for evil without taking into consideration any consequences. There are two theories in which this theory can be divided further. They are specific deterrence and general deterrence. In specific deterrence, punishment is designed such that it can educate the criminals. Thus, this can reform the criminals that are subjected to this theory. Also, it is maintained that the punishment reforms the criminals. This is done by creating a fear that the punishment will be repeated.

While a general deterrence is designed to avoid future crime. So, this is done by making an example of each defendant. Thus, it frightens the citizens to not do what the defendant did.

Retributive Theory

Retribution is the most ancient justification for punishment. This theory insists that a person deserves punishment as he has done a wrongful deed. Also, this theory signifies that no person shall be arrested unless that person has broken the law. The penalty given will be equivalent to the grievance caused by the person. An eye for an eye, kind of revenge.

Preventive Theory

This theory has used a restraint that an offender if repeats the criminal act is culpable for death, exile or imprisonment. The theory gets its importance from the notion that society must be protected from criminals. Thus, the punishment here is for solidarity and defense. It aims at removing/isolating the miscevious people from the society.

Reformative Theory

The reformative theory was born out of the positive theory that the focal point of crime is positive thinking. Thus, according to this theory, the objective of punishment needs to be reformation by the offender.

So, this is not a punishment virtually but rather a rehabilitative process. Thus, this process helps in making a criminal a good citizen as much as possible. Furthermore, it makes the citizen a meaningful citizen and an upright straight man.

Compensatory Theory: Paying compensation of levying monetary penalty for recovering the loss made.

Q7) What are the kinds of punishments?

Ans) Provision for punishment are provided under Sec 53 and chapter 3 of the Indian Penal Code (IPC). The Section defines various kinds of punishments to which the offenders are liable under the Indian Penal Code. The punishments given under Sec 53 apply only to offences given under this code. In India, the reformative theory is followed to provide punishment. The punishment awarded should neither be so harsh nor so easy so that it fails to serve its purpose in generating impact on the offender and as an eye-opener for others. It is considered that punishment should be of such a nature that it brings reform in a person's personality and thinking.

Sec 53 of the Indian Penal Code, 1860 prescribes 5 kinds of punishments.

Death Penalty; Life imprisonment, Imprisonment (Rigorous/Simple), Forfeiture of property, Fine

Death Penalty

Death penalty is also called the capital punishment. Under this punishment, a person is hanged till he dies. The infliction of death sentence or taking away the offenders life by authority as a punishment for an offence is capital punishment or death penalty. In India it is awarded in rarest of rare cases. It may be awarded as punishment in the following offences:

Waging war against the government of India (Sec 121)

Giving or fabricating false evidence upon which an innocent person suffers death (Sec 194)

Murder (Sec 302)

Murder by life convicts (Sec 303)

Dacoity accompanied with murder (Sec 396)

Life Imprisonment

In its ordinary connotation imprisonment for life means imprisonment for the whole of the remaining life period of the convicted person's natural life. According to Sec57 imprisonment for life shall be reckoned as equivalent to imprisonment for 20 year's. But only for calculating fractions of terms of punishment imprisonment for life shall be reckoned as equivalent to imprisonment for 20yrs. But otherwise the sentence of imprisonment for life is of indefinite duration.

Imprisonment

Imprisonment means taking away a person's freedom and putting him in prison. Simple: it is a punishment in which the offender is confined to jail only and not subjected to any hard labour. In the case of rigorous imprisonment, the offender is put to hard labour such as grinding corn, digging, cutting wood etc

Forfeiture Of Property

Forfeiture implies the loss of property of the accused. Under this punishment, the state seizes the property of a criminal. It is the result of the wrong or default caused by the person. The property forfeited may be movable or immovable.

Fine

Fine can be simply defined as monetary punishment. Almost all the sections related with awarding punishment includes fine as punishment.

Q8) Short note on Rape?

Ans) As per Section 375 of IPC, Rape:- A man is said to commit "rape" who, has done sexual intercourse with a woman under circumstances falling under any of the six following descriptions:-

First:- Against her will.

Secondly:- without her consent.

Thirdly:- With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

Fourthly:- With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly:- With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly:- With or without her consent, when she is under sixteen years of age.

Q9) What is punishment of rape?

Ans) The punishment of rape is given in section 376(1) of IPC. Whoever, commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine. Except in the cases provided for in sub-section (2) of 376 which includes

- (a) being a police officer, commits rape— • (i) within the limits of the police station to which such police officer is appointed; or • (ii) in the premises of any station house; or • (iii) on a woman in such police officer's custody; or
- (b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or
- (c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or
- (d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or
- (e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital;
- (f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or
- (g) commits rape during communal or sectarian violence; or
- (h) commits rape on a woman knowing her to be pregnant; or
- (i) commits rape on a woman when she is under sixteen years of age; or
- (j) commits rape, on a woman incapable of giving consent; or
- (k) being in a position of control or dominance over a woman, commits rape on such woman; or
- (l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(n) commits rape repeatedly on the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Q10) Short Note on Gang Rape (Section 376D of IPC):

Ans) When a women is raped by more than one person constituting a group, or acting in furtherance of common intention, each of the person shall be deemed to have committed an offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine.

Q11) Difference between common intention and common object?

Ans) SECTION 34: ACTS DONE BY SEVERAL PERSONS IN FURTHERANCE OF COMMON INTENTION: According to Section 34, when a criminal act is done by several persons in furtherance of common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Section 149, like Section 34, is the other instance of constructive joint liability. Section 149 creates a specific offence

If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the assembly, is guilty of that offence."

Section 34 lays down only a rule of evidence and does not create a substantive offence.

Where a crime is committed by several persons in furtherance of common intention of all of them, each of them doing some act, similar or diverse, big or small shall be liable for that act. 'That act' refers to the 'criminal act' used in section 34 which means the unity of criminal behaviour which results in something for which an individual would be punishable if it were all done by himself alone in an offence

No	Common Intention	Common Object
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1	<p>Meaning: Criminal act is done by several persons in furtherance of Common intention</p>	<p>Meaning: Five or more persons commit offence in prosecution of common object.</p>
2	<p>Definition: Section 34 of the Indian Penal Code Defines Common Intention as, "When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.</p>	<p>Definition : According to Section 149 of the Indian Penal Code If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, , every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.</p>
3	<p>Number of Persons must be more than one.</p>	<p>Minimum numbers of Person must be five to constitute an unlawful assembly.</p>
4	<p>In Common Intention, prior meeting of Mind is essential.</p>	<p>Prior meeting of Mind is not necessary.</p>
5	<p>All persons involved in the Commission of offence shall be equally liable</p>	<p>All persons may or may not be equally liable.</p>
	<p>The first leading case on the point is Barendra Kumar Ghosh v. King Emperor, AIR 1925 PC 1</p>	

1. Under Section 34 number of persons must be more than one. Under Section 149 number of persons must be five or more.
2. Section 34 does not create any specific offence but only states a rule of evidence. Section 149 creates a specific offence.
3. Common intention required under Section 34 may be of any type. Common object under Section 149 must be one of the objects mentioned in Section 141.
4. Common intention under Section 34 requires prior meeting of minds or pre-arranged plan, i.e. all the accused persons must meet together before the actual attack participated by all takes place. Under Section 149, prior meeting of minds is not necessary. Mere membership of an unlawful assembly at the time of commission of the offence is sufficient.

5. Under Section 34 some active participation is necessary, especially in a crime involving physical violence. Section 149 does not require active participation and the liability arises by reason of mere membership of the unlawful assembly with a common object.

Q12) Define Criminal Force?

Ans) As per Section 350 of IPC 1860, whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Q13) What is assault as per IPC?

Ans) As per Section 351 of IPC 1860, Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Example: A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

As per Section 352 of IPC, Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Q14) What is Abetment

Ans) Chapter 5 of the Indian Penal Code, 1860 deals with offences relating to abetment. Abetment basically means the action of instigating, encouraging or promoting a person into committing an offence. It can also mean aiding the offender while he is committing a crime. This abetment may occur in any of the three methods:

- a) instigating a person to do that thing. Instigation basically means suggesting, encouraging or inciting a person to do or abstain from doing something.; or**

- b) engaging with another person (or persons) in a conspiracy to do that thing. Conspiracy basically means an agreement between two or more persons to commit an unlawful act. ; or
- c) intentionally aiding a person to do that thing. This generally happens when the abettor facilitates the crime or helps in committing it.

Q15) Note on Culpable Homicide.

Ans) Homicide literally means "the killing of a human being by another human being." The term 'homicide' refers to the act of causing or hastening the death of a human being by another human being.

Homicide can be lawful homicide and unlawful homicide. Culpable homicide comes under the category of unlawful homicide. Culpable homicide is defined under Section 299 of the Criminal Code. According to this section, the following are the essential elements of culpable homicide:

a person must be dead;

the death must have been caused by the act of another person; and

the act causing death must have been done with:

- (a) the intention of causing death; or
- (b) the intention of causing bodily injury likely to cause death; or
- (c) with the knowledge that such an act is likely to cause death.

Q16) Distinguish between Murder and culpable homicide?

Ans) Culpable homicide is a genus and murder its specie. All murders are culpable homicide, but all culpable homicides are not murder. According to section 299 of IPC, culpable homicide means the unlawful killing of a human being, and this killing becomes murder when the act firstly fulfills all the conditions of section 299 (provisions of culpable homicide) and then section 300 of IPC.

Section 300 which defines Murder says, Whoever causes death by doing the act with:

- a) Intention of causing death.
- b) Causing such bodily injury as the offender knows it is likely to cause death of a person.
- c) Intentionally causing bodily injury which is sufficient to cause death.
- d) Doing an act with knowledge that it is so imminently dangerous and in all probability causes death.

Q17) What is the punishment for habitual dealing in slaves?

Ans) Habitual dealing in slaves is dealt under Section 371 of IPC. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Q18) What are the offences against state?

Ans) The Indian Penal Code, 1860 deals with offences against the State under Chapter VI (Section 121 to Section 130):

- a) Waging war (S/121 to 123): Waging war means an attempt to fulfil any purpose of public nature by the means of violence. Such a war occurs when several people rise and assemble against the State in order to attain any object of public nature by force and violence. The punishment under this Section includes either life imprisonment or the death penalty. A fine can also be imposed in certain cases.**
- b) Waging war against any Asiatic Power in alliance with the Government of India. (S/125)**
- c) Depredation on territories of Power at peace with the Government of India (S/126): Depredation refers to an act of attacking. Punishment under this Section is imprisonment for a term of seven years along with a fine.**
- d) Assault on High Officials: Section 124 of the IPC deals with the assault on high officials, that is, the President, Governor, etc. Such assault should be done with the intention of inducing or compelling the high officials to exercise or refrain from exercising their lawful powers.**
- e) Section 128 of the IPC deals with 'public servants voluntarily allowing prisoners of State or war to escape'.**
- f) Section 129 of the IPC deals with 'public servant negligently causing the prisoner of State or war to escape'**
- g) Section 130 of the IPC deals with the 'any person who aids or assists the escape of, rescuing, or harbouring of a prisoner of State or the war to escape'.**

Q19) What is Sedition?

Ans) Section 124A of IPC deals with sedition. Under this Section, any person who by words (written or spoken); or Signs; or Visible representations; or Otherwise; brings or even attempts to bring hatred or excites disaffection (including the feeling of enmity and disloyalty) towards the Government of

India, is punishable with Life imprisonment along with a fine in certain cases; or Imprisonment for up to three years along with a fine in certain cases; or Fine.

Q20) Give any three categories of grievous hurt.?

Ans) Section 319 of the Indian Penal Code, 1860 (hereinafter "IPC") defines hurt as: "whoever reasons bodily pain, disorder or disease to any man or woman is said to have caused harm. Section 320 defines grievous hurt as a hurt that is more than a little causing harm and less than culpable homicide. The following three kinds of hurt are termed as "grievous":

- a) Permanent injury to eyesight or either of the eye: Hurting someone which leads to permanent deprivation of the sight of either eye or of both the eyesight. The test of gravity is the permanency of the harm because it deprives a person of the usage of his sight and additionally disfigures him.
- b) Inflicting deafness: Hurting someone which leads to permanent deprivation of hearing of both ears. The deafness has to be permanent to attract this provision. Such harm may be resulting from blow given on head, ear or the one's elements of the head which connect with and injure the auditory nerves or with the aid of thrusting a stick into the ear or placing into ear a substance which reasons deafness.
- c) Emasculation: It can be referred to as depriving a male of masculine vigour. It can also be referred to as depriving a male of his male role which in turn affects the sexual capacity of that person and hence does not apply to female victims. This can be done either by cutting the sexual organ or by causing injury to the scrotum of a man or the spinal cord or the testis. It is to be noted that an accused will not be held for emasculation if the male retains his penetrating power.

Q21) What is criminal trespass?

Ans) According to S/441 of IPC, Whoever enters into property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass".

Q22) What is meant by Affray?

Ans) As per Section 159 of IPC, When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray". As per S/160 of IPC, Whoever commits an affray, shall be punished with

imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Q23) Who is Thug?

Ans) As per S/ 310 of IPC, Whoever, at any time after the passing of this Act, shall have been habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug. As per S/ 311, Whoever is a thug, shall be punished with imprisonment for life, and shall also be liable to fine.

Q24) Short note on Defamation?

Ans) As per S/ 499 of IPC, whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, to defame that person and such act is known as defamation. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Exceptions to defamation:

Imputation of truth which public good requires to be made or published.—It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Public conduct of public servants.—It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Publication of reports of proceedings of courts.—It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Q25) What is unlawful assembly?

Ans) Unlawful assembly is defined under Section 141 of IPC. The section defines unlawful assembly as the group of five or more than five people constituting the unlawful assembly. In this, all the members commit an act with the same intention and object. The common object in the cases of unlawful assembly must be to commit an illegal act as specified in the section these five illegal objects/acts are:

- a) To overawe Government by criminal force
- b) To resist execution to legal process

- c) Commission of an offence
- d) Forcible possession or dispossession
- e) To compel to do illegal acts

Q 26) Write a note on False Evidence?

Ans) As per Sec 191 of IPC, Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Whoever intentionally gives false evidence in any of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment for a term which may extend to seven years, and/or shall also be liable to fine.

Q 27) Write a note on Criminal Conspiracy?

Ans) Section 120A of the I.P.C. defines criminal conspiracy as an agreement of two or more persons to do or cause to be done an illegal act, or;an act that is not illegal by illegal means. Section 43 of the I.P.C. defines the term 'illegal' as everything that is an offence or is prohibited by law or furnishes ground for a civil action.

Q 28) What is the punishment for Criminal Conspiracy?

Ans) Section 120B of I.P.C. provides for punishment of criminal conspiracy-

- a) **Where the criminal conspiracy is to commit a serious offence, in such case the accused are Punishable with death or Imprisonment for life or Rigorous imprisonment for a term of two years or upwards and where no express punishment is provided under the Code for such conspiracy, every person who is a party to such a criminal conspiracy shall be punished in the same manner as if he had abetted such offence.**
- b) **Criminal conspiracy to commit offences other than those covered in the first category shall be punished with imprisonment for a term not exceeding six months or with fine or with both**

Q 29) Write a note on Bigamy and Adultery?

Ans) Adultery refers to the intended sexual relationship between a married person and the person rather than his or her spouse.

Marriage is considered to be a pure form of a relationship, and therefore adultery is often regarded as a crime in most of the societies. It can also be considered as a ground for divorce in many places.

Adultery is only considered when the unfaithfulness crosses the boundary and a married person establishes a sexual relationship with a person other than spouse. It can occur between a married person and unmarried person or between an unmarried person and spouse of some other person. Therefore, in either way, it is found to be derogatory towards marriage.

Bigamy refers to the act of marrying again, while the first marriage is valid. Generally, this is also considered to be against the law of the state in many countries, and therefore the accused is convicted. The term just expresses the meaning of the word which is literally second marriage. Polygamy which means having more than one wife or one husband is allowed for Muslim men under the Islamic marital jurisprudence.

Q 30) Explain "Ignorance of Law is not excuse"?

Ans) The maxim 'ignorantia juris non-excusat,' or 'ignorance of the law is no excuse,' implies that the Court presumes that every party is aware of the law. This really means that people can't defend their actions by claiming they didn't know the law.

Q31) What is Doli Incapax?

Ans) Doli incapax literally means 'incapable of wrong'. It is a principle that deals with the protection of children from criminal liability. It is presumed in law that a child below 7 years of age (in the case of India) is incapable of knowing the consequences of his actions and hence is granted complete immunity from criminal liability. Absolute Immunity is provided to a child below 7 years of age under Section 82 of IPC.

Q 32) Provisions relating to Intoxication in IPC?

Ans) Intoxication is a condition in which a person's mental and physical state is demonic due to the consumption of alcohol or a narcotic substance. It is commonly known as state of being intoxicated. In this state of intoxication, the person is not able to understand whether what he or she is doing is right or wrong and he is unable to understand consequences of his or her actions. He is neither able to control his actions and he is not able to react in a particular way.

Intoxication is covered by general exceptions, i.e. Chapter IV of the IPC. As a general rule, a person is excluded from criminal liability for specific reasons such as intoxication, insanity, consent, etc. The burden of proof rests with the accused to prove the point of exception. Normally, the burden of proof rests with the prosecution to convict the accused of a criminal offence. But in this case, the accused must prove that the reason why he should be exempt from criminal liability.

Q 33) What is the meaning of theft and extortion?

Ans) The crime of theft has been defined under Section 378 of the IPC Act. It defines the crime of theft as " Whoever intends to take any moveable property dishonestly out of the possession of any person without the (express or implied) consent of that person is said to commit theft.

Extortion has been defined under Section 383 of the IPC as Whosoever intentionally puts any person in the fear of any injury to that person, or to any other and thereby dishonestly inducing that person, to deliver to any person; any property or valuable security; or anything signed or sealed that may be converted into a valuable security.

Q 34) What is cognizable offence?

Ans 34) A cognizable offense is an offense in which the police officer as per the first schedule of CRPC or under any other law for the time being in force, can arrest the convict without a warrant and can start an investigation without the permission of the court. Cognizable offenses are generally heinous or serious in nature such as murder, rape, kidnapping, theft, dowry death, etc. The first information report (FIR) is registered only in cognizable crimes.

Q 35) What is non cognizable offence?

Ans) A non-cognizable offense is the offense listed under the first schedule of the Indian Penal Code and is bailable in nature. In the case of a non-cognizable offense, the police cannot arrest the accused without a warrant as well as cannot start an investigation without the permission of the court. The crimes of forgery, cheating, defamation, public nuisance, etc., fall in the category of non-cognizable crimes. Under a Non-Cognizable offense/case, in order to start the investigation, it is important for the police officer to obtain permission from the Magistrate.

Q 36) What is robbery?

Ans 36) Robbery has been defined under Section 390 of the Act. The offence of theft amounts to robbery under the following circumstances:

When in order to commit theft, or in attempting to commit theft, the offender voluntarily causes or attempts to cause to any person Death or Hurt or Wrongful restraint Or fear of either of these, it is called robbery.

All robberies are either Thefts or Extortions.

