



BRAINWARE UNIVERSITY

Term End Examination 2020 - 21

Programme – Bachelor of Business Administration & Bachelor of Law

Course Name – Law of Crime I

Course Code - BBALLB305

Semester / Year - Semester III

Time allotted : 75 Minutes

Full Marks : 60

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 60=60

1. (Answer any Sixty)

(i) Which of the following is false about the presumption of innocence?

- | | |
|---|--|
| a) This holds good in all kinds of trials including criminal trials | b) In this case the crime must be brought to a prisoner. |
| c) It can be easily rebutted. | d) Graver the crime, greater will be the degree of doubt that is reasonable. |

(ii) The essential ingredients of a crime are:

- | | |
|--------------------------------------|-------------------------------------|
| a) Motive, mens rea, and actus reus. | b) Motive, intention and knowledge. |
| c) Actus reus, mens rea | d) Knowledge, intention and action. |

(iii) Preparation for the commission of a crime is:

- | | |
|---|---|
| a) Punishable under the IPC. | b) Not punishable under the IPC |
| c) Punishable when the propagation is with the intention of waging war against the Government of India or committing dacoity. | d) Not punishable when the preparation is with the intention of waging war. |

(iv) The maxim 'actus non facit rea nisi mens sit rea' means:

- | | |
|---|--|
| a) Crime has to be coupled with guilty mind | b) There can be no crime without a guilty mind |
| c) Crime is the result of guilty mind | d) Criminal mind leads to crime. |

(v) Literally, mens rea means:

- a) guilty mind
- b) a guilty or a wrongful purpose
- c) a criminal intent, a guilty knowledge and willfulness
- d) All of these

(vi) Illegal signifies:

- a) everything which is an offence
- b) everything which is prohibited by law
- c) everything which furnishes ground for civil action
- d) all of these.

(vii) In case of non-payment of fine, if a part of the fine is paid, such sentence:

- a) Shall be reduced proportionally.
- b) Shall not be reduced in direct proportion to the fine paid.
- c) Shall be reduced but subject to the discretion of the court as to the quantum of reduction.
- d) All of these

(viii) Which of the following is false of Section 34 of the Indian Penal Code?

- a) It is only a rule of evidence.
- b) It does not create a distinct offence.
- c) Lays down principle of liability.
- d) It is a penal provision.

(ix) Section 34 of IPC:

- a) creates a substantive offence
- b) is a rule of evidence
- c) Both creates a substantive offence and is a rule of evidence
- d) Neither creates a substantive offence nor is a rule of evidence

(x) Accident as an exception has been dealt with in:

- a) Section 77
- b) Section 78
- c) Section 80
- d) Section 79

(xi) Section 82 of IPC provides that nothing is an offence which is done by a child under:

- a) six years of age
- b) seven years of age
- c) nine years of age
- d) ten years of age.

(xii) What is the age under which a child is deemed to be completely out of the ambit of criminal liability?

- a) 12
- b) 10
- c) 7
- d) 8

(xiii) The doctrine 'volenti non fit injuria' is contained in:

- a) section 87 of IPC
- b) section 88 of IPC
- c) section 89 of IPC
- d) All of these

(xiv) The principle 'de minimus non curat lex' is contained in:

- a) Section 92
- b) Section 93
- c) Section 94
- d) Section 95

(xv) Section 83 of IPC lays down

- a) a presumption of fact
- b) an inconclusive or rebuttable presumption of law
- c) conclusive or irrebuttable presumption of fact
- d) irrebuttable presumption of fact law

(xvi) Section 84 of IPC provides for

- a) medical insanity
- b) legal insanity
- c) moral insanity
- d) unsoundness of mind of any kind

(xvii) In cases where the act involves a specific mens rea, in cases of intoxication under section 86 of IPC

- a) the existence of mens rea is presumed
- b) the specific mens rea is not presumed
- c) the specific mens rea depends upon the attending circumstances & the degree of intoxication
- d) none of these

(xviii) The defence of 'consent' is restrictive in its applicability in cases involving

- a) alienable rights
- b) inalienable rights
- c) both alienable rights and inalienable rights
- d) neither alienable rights nor inalienable rights

(xix) Under section 89 the consent in respect of infants under 12 years of age or persons of unsound mind

- a) can be given by their guardians without any restriction
- b) can be given by the guardian subject to restrictions mutually agreed upon
- c) can be given by the guardians subject to restrictions imposed by law
- d) all of these

(xx) Every person has a right of private defence of his own body and the body of any other person against any offence affecting the human body, has been provided

- a) under section 96 of IPC
- b) under section 97 of IPC
- c) under section 98 of IPC
- d) under section 99 of IPC.

(xxi) Criminal Conspiracy requires how many individuals?

- a) 1
- b) More than 10
- c) Minimum 2
- d) More than 5

(xxii) Abetment of any offence, punishable with death or imprisonment for life, if the offence be not committed in consequence of the abetment is dealt under-

- a) Section 115 of IPC
- b) Section 116 of IPC
- c) Section 117 of IPC
- d) Section 118 of IPC

(xxiii) The difference between section 34 and section 149 of Indian Penal Code is:

- a) That whereas in section 34 there must be
- b) That section 149 is only a rule of

at least 5 persons, section 149 requires only two persons. evidence whereas section 34 creates a specific offence and provides for its punishment.

c) That section 34 requires any of the objectives mentioned under Section 141 whereas section 149 requires mere intention.

d) Section 34 does not constitute a particular offence but sets out only the principle of joint criminal culpability. Whereas Section 149 generates a particular offence and being a member of an unlawful assembly is itself a criminal offence punishable under Section 143.

(xxiv) Rioting means use of force or violence by an unlawful assembly, or by a member thereof, in prosecution of the common object of such assembly, as per:

a) section 144 of IPC

b) section 145 of IPC

c) section 146 of IPC

d) section 148 of IPC

(xxv) Section 149 of IPC is:

a) declaratory provision

b) creates a distinct offence

c) a rule of evidence

d) All of these

(xxvi) 'X' & 'Y' go to murder 'Z'. 'X' stood on guard with a spear in hand but did not hit 'Z' at all. Y killed 'Z':

a) Only 'Y' is liable for murder of Z.

b) 'X' & 'Y' both are liable for murder of 'Z'

c) 'X' is not liable as he did not perform any overt act.

d) Both Only 'Y' is liable for murder of Z. and 'X' is not liable as he did not perform any overt act.

(xxvii) Voluntarily throwing or attempting to throw acid is an offence punishable under Indian Penal Code, 1860, under:

a) Section 326A

b) Section 326B

c) Section 228A

d) Section 80

(xxviii) In kidnapping, the consent of a minor is:

- a) Wholly material
- b) Partially immaterial
- c) Wholly immaterial
- d) Partly material

(xxix) When the injury is intentional and sufficient to cause death in the ordinary course of nature and death follows, the offence is:

- a) Attempt to murder
- b) Culpable homicide not amounting to murder.
- c) Murder
- d) Attempt to suicide

(xxx) P gives grave and sudden provocation to M. M on this provocation, fires a pistol at P, neither intending nor knowing himself to be likely to kill Q who is near him but out of the sight. M kills Q.

- a) It is murder.
- b) It is not a murder but culpable homicide.
- c) It is neither a murder nor a culpable homicide.
- d) It is a culpable homicide.

(xxxi) X gave poisoned halva to Y with an intention to kill him. Y ate one morsel and kept it on the side of Z who picked it up and ate it. Z died.

- a) X is guilty of murder of Z.
- b) X is guilty of only culpable homicide not amounting to murder.
- c) X is not guilty of murder.
- d) X is guilty neither of murder nor of culpable homicide as he never intended to kill Z.

(xxxii) A demand or request for sexual favour from a woman is punishable offence under Indian Penal Code, 1860, under

- a) Section 354A
- b) Section 354B
- c) Section 354C
- d) Section 354D

(xxxiii) When a man inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person, he commits:

- a) Rape
- b) Sexual Harassment
- c) Sexual Assault
- d) None of these.

(xxxiv) Grievous hurt caused whilst committing lurking house trespass or house breaking is dealt under-

- a) Section 458 of IPC
- b) Section 459 of IPC
- c) Section 460 of IPC
- d) Section 461 of IPC

(xxxv) Murder is defined as:

- a) an act by which the death is caused, must have been done with the intention of causing such bodily injury as is likely to cause death
- b) an act by which the death is caused, is done with the knowledge that he is likely to cause death by his act
- c) an act by which the death is caused, with the intention of causing of such bodily injury as the offender knows which is likely to cause death of the person to whom the injury is caused
- d) all of these

(xxxvi) Grave & sudden provocation is:

- a) question of fact
- b) question of law
- c) mixed question of fact & law
- d) a presumption under the law.

(xxxvii) 'A' knows that 'B' is suffering from a disease in his head and also knows that if a fist blow is given to 'B' on his head, it is likely to cause his death. Knowing it 'A' gives a fist blow to B on his head and caused death of 'B'. 'A' is

- a) guilty of culpable homicide not amounting to murder since he does not think that his act is likely to cause death
- b) guilty of murder since he had knowledge that in all probability it is likely to cause death of 'B'
- c) guilty of no offence since the blow is not sufficient to cause the death of a person of normal health.
- d) guilty of causing hurt only.

(xxxviii) Culpable homicide is causing death

- a) with the intention of causing death
- b) with the intention of causing such bodily injury as is likely to cause death
- c) with the knowledge that by such act death is likely to be caused
- d) all of these

(xxxix) Grievous hurt has been defined under

- a) section 320 of IPC
- b) section 321 of IPC
- c) section 322 of IPC
- d) section 325 of IPC

(xl) Which of the following are grievous hurt

- a) emasculation
- b) permanent disfiguration of face
- c) privation of any member or joint
- d) all of these

(xli) During the scuffle between 'A' & 'B', A gave a blow on the face of 'B' and consequently two teeth of 'B' were broken. In these circumstances 'A' has committed an offence of causing

- a) simple hurt
- b) attempt to cause culpable homicide not amounting to murder
- c) grievous hurt
- d) no offence at all.

(xlii) Kidnapping or abducting a child with intent to take property from the person of such child is dealt under-

- a) Section 367 of IPC
- b) Section 368 of IPC
- c) Section 369 of IPC
- d) Section 370 of IPC

(xliii) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z

- a) A is guilty of murder
- b) A is guilty of culpable homicide
- c) Z is guilty of culpable homicide
- d) Both A is guilty of culpable homicide and Z is guilty of culpable homicide

(xlv) The accused with the intention of killing A, on whose life he had affected insurance, gave him some poisoned sweetmeat. A ate a portion of it and threw the rest away which was picked up by the daughter of the accused brother in law, aged eight years, without the knowledge of the accused. She ate it and gave of it to another little child. The two children died from the effect of the poison however A recovered.

- a) The accused is guilty of conspiracy
- b) The accused is guilty of culpable homicide
- c) The accused is guilty of murder
- d) None of them

(xlv) A, police officer, tortures Z in order to induce Z to confess that he committed a crime.

- a) A has committed an offence under Section 322, IPC
- b) A has committed an offence under Section 328, IPC
- c) A has committed an offence under Section 330, IPC
- d) A has committed an offence under Section 334, IPC

(xlvii) Assault or use of criminal force on a woman with intent to outrage her modesty is dealt under

- a) Section 354 of IPC
- b) Section 355 of IPC
- c) Section 356 of IPC
- d) Section 357 of IPC

(xlviii) Robbery is defined under-

- a) Section 391 of IPC
- b) Section 390 of IPC
- c) Section 395 of IPC
- d) Section 396 of IPC

(xlviii) A takes a camera belonging to B out of the possession of B without the consent of B, with the intention of keeping it until he gets the reward from B for its restoration. A is guilty of:

- a) Criminal Misappropriation
- b) Extortion
- c) Theft.
- d) Cheating

(xlix) Dishonest misappropriation of property has been defined:

- a) Under section 403 of IPC
- b) Under section 405 of IPC
- c) Under section 406 of IPC
- d) Under section 415 of IPC

(l) Criminal breach of trust on an offence signifies:

- a) Entrustment
- b) Demand
- c) Refusal
- d) All of these

(li) X having delivered money to the servant to carry to a distant place, disguises himself and robs the servant on the high road with an intent to charge him. X commits the offence of:

- a) Theft
- b) Extortion.
- c) Robbery
- d) Criminal breach of trust

(lii) X cut down a tree on Y's land with the intention of dishonestly taking the tree out of Y's possession without Y's consent.

- a) No offence until the tree is taken away.
- b) The offence of criminal misappropriation of property.
- c) The offence of criminal breach of trust.
- d) The offence of theft, as soon as the severance of the tree from the ground is complete.

(liii) Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion is dealt under-

- a) Section 385 of IPC
- b) Section 386 of IPC
- c) Section 387 of IPC
- d) Section 388 of IPC

(liv) Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death and that it has not since been in the possession of any person legally entitled to it is dealt under

- a) Section 402 of IPC
- b) Section 403 of IPC
- c) Section 404 of IPC
- d) Section 405 of IPC

(lv) Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion is dealt under

- a) Section 385 of IPC
- b) Section 386 of IPC
- c) Section 387 of IPC
- d) Section 388 of IPC

(lvi) Fraudulent removal or concealment of property of himself or any other person or assisting in the doing thereof, or dishonesty releasing any demand or claim to which he is entitled is dealt under-

- a) Section 421 of IPC
- b) Section 422 of IPC
- c) Section 423 of IPC
- d) Section 424 of IPC

(lvii) Lurking house trespass or house-breaking in order to the commission of an offence punishable with imprisonment and if the offence is theft is dealt under-

- a) Section 169 of IPC
- b) Section 170 of IPC
- c) Section 171 of IPC
- d) Section 454 of IPC

(lviii) Chapter XX of IPC deals with:

- a) Offences related to Marriage.
- b) Defamation
- c) Offences against property.
- d) None of these

(lix) Under section 498A of IPC cruelty includes:

- a) harassment of the woman
- b) physical cruelty only
- c) mental cruelty only
- d) cruelty by wife.

(lx) Attempting to commit offences punishable with imprisonment of life or imprisonment, and in such attempt doing any act towards the commission of the offence is dealt under-

- a) Section 510 of IPC
- b) Section 511 of IPC
- c) Section 512 of IPC
- d) Section 513 of IPC