

## CRIMINAL LAW

Time: Three Hours

Maximum Marks: 200

## Instructions for candidates:

1. Attempt ALL the questions and in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question.
3. Support all your answers with relevant provisions and case law.
4. No extra answer sheet will be provided.

APS

Q1. a) 'Z' submitted a written complaint to the local police station claiming to be a victim of domestic violence at the hands of her husband 'Y' and his relatives. She also alleged that 'Y' is having an extramarital affair. A Daily Diary Report was entered based on her complaint, but the police refused to lodge an FIR without conducting a preliminary inquiry into the allegations. Is the police justified in adopting the said procedure? Is it mandatory for the police to lodge an FIR in the above scenario? Answer with reference to the guidelines in *Lalita Kumari v State of UP AIR 2014 SC 187*. (10 Marks)

b) Discuss the provisions of Section 216 & 217 of CrPC, focusing on the court's power to alter or add any charge during a trial, and corresponding rights of the accused. How do these sections ensure a fair trial, and balance with the protection of rights of the accused? (10 Marks)

c) Describe the procedure laid down in the CrPC, for the trial of an accused who is a lunatic or of unsound mind. (10 Marks)

d) Discuss the principle that granting bail is the rule and rejection is the exception. (10 Marks)

Q2. a) *Jaswant* suffered from frequent bouts of schizophrenia and was undergoing medical treatment for his condition. One day, a quarrel erupted between *Jaswant* and his wife *Reena*. In a fit of rage, *Jaswant* stabbed his wife multiple times, resulting in her death. *Jaswant* later confessed to the police, claiming that he was delusional at the time of the crime. A neighbour passing by the house saw *Jaswant* sitting in its veranda covered in blood and screaming that he had killed his wife. Another neighbour noted that since the morning of the crime in question, *Jaswant* had been acting strangely and seemed delusional. Whether *Jaswant* can be held liable for murdering his wife or his defence of schizophrenia would be sufficient to establish insanity? (15 Marks)

b) Write short notes on:

i) Power of the police to attach property U/s 102 CrPC (5 Marks)

ii) Withdrawal from Prosecution (5 Marks)

c) Distinguish between the following:

i) Inquiry and Investigation (5 Marks)

ii) Police custody and Judicial custody (5 Marks)

iii) Summons case and warrant case (5 Marks)

Q3. a) 'Hira' and 'Kiara', with intent to abort the foetus of 'Zina', 'Ankur's' wife, administered certain abortive pills, which had been provided to them by 'Ankur'. Resultantly, 'Zina' was rendered unconscious for some time. After she regained consciousness, it was discovered that

she was not pregnant. Can 'Hira', 'Kiara', and 'Ankur', be held guilty of any offence under IPC? (10 Marks)

b) 'A' comments upon a book authored by 'B' and published by 'S' on a TV debate, "I am not at all surprised that 'B's' book is senseless and vulgar because 'B' is a man of doubtful integrity and immoral character". Do these remarks amount to defamation? (5 Marks)

c) Section 60 of the Evidence Act states that oral evidence must be direct, given by a person, who has seen or perceived a fact. Hearsay evidence is, thus, excluded. However, Section 32 thereof, provides an exception.

Scenario: A man, before dying makes a statement: "A attacked me." Does this statement qualify as a dying declaration under Section 32 of the Evidence Act? Is it admissible in court despite the general prohibition against hearsay evidence in Section 60 of the Evidence Act? (1)

What factors would the court consider to determine the reliability and authenticity of the dying declaration in above scenario? (10 Marks)

d) In what circumstances, can the accused be released on bail under Section 167(2) CrPC. Can the bail so granted be subsequently cancelled on merits? Elucidate the law on the point. (15 Marks)

APS

Q4 a) In 2008, Prem while interning with an NGO in Rani's village, fell in love with her. Anticipating familial disapproval, Prem relocated to Mumbai after securing a stable employment in an MNC. In 2009, at the age of 18, Rani eloped with Prem. Despite Prem's decision not to formalize their union due to concerns about losing his share in his father's property, Rani devoted herself to managing their household. By 2023, Rani and Prem had been in a live-in relationship for fifteen years, although the final year was marked by significant turmoil, ultimately leading to their separation when Prem abruptly ended their relationship and married a woman chosen by his family. Now, Rani faces the legal challenge of proving her entitlement to maintenance as a woman in a live-in relationship, while Prem vehemently denies any obligations towards her. Discuss the law of maintenance under Section 125 of CrPC with particular focus on whether Rani who was in a live-in relationship with Prem in the above circumstances would be entitled to maintenance from Prem. (10 Marks)

b) 'A', a snake charmer publicly exhibited a venomous snake whose fangs he knew, had not been extracted. To demonstrate his skill and dexterity, and without intending to cause harm, 'A' placed the snake on the head of a spectator, who, in an attempt to push the snake off was bitten and subsequently died. What offence, if any, under IPC has been committed by 'A'. (10 Marks)

c) In a poorly illuminated interrogation room at a police station, Inspector Ravi Singh, conducts intense interrogation of Raju, a lower caste laborer accused of rape and murder. Despite Raju persistently denying the allegations, Inspector Singh subjects him to relentless questioning for over 15 hours, without any respite for food or toilet breaks. Additionally, Inspector Singh informs Raju of a hostile mob outside the police station seeking vengeance and that Raju's family has fled the village to escape the angry mob. Feeling scared, fatigued, and emotionally

drained, *Raju* succumbs to the pressure and writes a confession. Analyze the admissibility of *Raju's* confession. (10 Marks)

d) In a high-profile murder case, the police seek to use *narco-analysis*, polygraph tests, and *brain-mapping* techniques on the prime suspect, who denies involvement despite circumstantial evidence suggesting otherwise. The suspect's lawyer challenges the admissibility and ethicality of these investigative techniques, citing legal precedents and human rights concerns. Discuss the legal provisions and judicial guidelines governing the use of *narco-analysis*, polygraph tests, and *brain-mapping* in criminal investigations in India. (10 Marks)

Q5. a) *Raja* teased *Vijay's* sister while she was in the fields. Enraged, *Vijay*, armed with a sword, went to *Raja's* house and began to verbally abuse *Raja's* mother and his sister. He also threatened to forcibly take away *Raja's* sister. The women got frightened and retreated inside a room. *Raja's* mother came out begging forgiveness. In response, *Vijay* struck her neck with a sword, causing her instant death. In the given circumstances, whether *Vijay* can be held liable for murder? Does the fact that the death occurred in a fit of rage exempt *Vijay* from being convicted of murder? (10 Marks)

b) Discuss the scope of 'consent' in the context of rape laws in India. How have recent amendments and landmark judgments influenced the understanding and application of 'consent' in rape cases? (10 Marks)

c) Section 27 of the Evidence Act deals with discovery of a fact by a person in Police Custody. If the accused makes a statement and then leads the police to a place and produces some incriminating evidence/article, can such statement be treated as a confessional statement that leads to discovery of weapon of offence and can it also be used against the accused during the trial?

**Statement 1:** The Accused charged with murder states: "I have murdered 'A' with an Axe. I have hidden the axe in my haystack. I will produce it."

**Statement 2:** The Accused states: "I would produce the axe used for murder and I will also produce my blood-stained clothes."

Discuss the admissibility of above statements, and the extent to which such information received from accused may be proved. (10 Marks)

d) In a robbery case, the court is assessing the admissibility and weight of evidence to determine culpability. The prosecution alleges that the accused, *Manveer*, forcibly entered *Mrs Kohli's* house on December 12, 2022, and stole valuable items at knifepoint. During an identification parade, *Mrs Kohli* identified *Manveer* as the perpetrator. She recognized him based on a distinctive tattoo on his left arm and neck, and his unique accent.

Discuss the relevance of above facts in the robbery case. Evaluate the admissibility and significance of *Mrs Kohli's* identification evidence, including her observation of tattoo on the accused's arm and recognition of his unique accent, with reference to relevant legal provisions and case laws. (10 Marks)