

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Law of Crimes  
Semester-III (Batch: 2016-21)

Mid Semester Test: August-2017

Date: 21<sup>st</sup> August, 2017

Duration: 2 hours

Max. Marks: 30

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Cite suitable cases & sections of IPC, 1860 where ever required.

Attempt all questions.		Marks
Q.1	Write the correct section and definition of following terms mentioned in IPC, 1860. <u>Answers with wrong sections will receive no credit.</u> (One mark each for correct section and definition) (a) Public Servant (b) Wrongful gain & wrongful loss (c) Valuable security (d) Fraudulently (e) Good faith	(2x5=10)
Q.2	How far the mistake of fact, act of child, insanity, intoxication, and accident are valid grounds of defence in IPC, 1860? Discuss citing correct sections of IPC & suitable authorities. <u>Answers with wrong sections will receive no credit.</u>	(06)
Q.3	Discuss <b>any two</b> of the following as per chapter III of IPC citing correct sections of IPC. <u>Answers with wrong sections will receive no credit.</u> (a) Provisions for solitary confinement. (b) When the punishment provided is with fine only. (c) Limit of imprisonment in default of payment of fine when the offence is punishable with imprisonment & fine both.	(06)
Q.4	In September 1946 few people of X religion abducted a married woman of Y religion from an area which was separated as Pakistan in 1947. After partition, she was converted to X religion & also got remarried to one of the abductors. In 1950 family members of the woman visited her & demanded from her new family that she should return to Pakistan. The Indian husband of woman resisted this along with her, who then, does not want to leave India. During all this the conversation become ferocious & both groups become violent. People from Pakistan forcefully dragged the woman & try to get her away. Husband of the woman from India inflicted a blow of lathi on head of one of the assailant, which resulted into death of Pakistani assailant. A case was instituted against the Indian husband for murder in IPC, 1860. The husband pleaded not guilty & asserted right of private defence in his case.	(3+5=08)

Based on the above facts, answer the following:

- (a) Whose contention is correct & why? Whether right of private defence exist for the accused?
- (b) Discuss the right to private defence provided in IPC, 1860. Can it be presumed that this right is absolute in itself? Give reasons in support of your answer.

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