

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Law of Crimes (IPC)  
Semester-III (Batch: 2018-23)

End Semester Examination: October-2019

Date: 18<sup>th</sup> October, 2019

Duration: 3 hours

Max. Marks: 50

**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.
- Put 'Q' mark before answering a question. Mention the name of the statute cited with every section in every answer. IPC is Indian Penal Code 1860, FIR to be read as First Information Report. Mention relevant case laws in every answer, whether asked or not. Start every question distinguished from the previous question. Write your answer in third person.
- User of highlighter is prohibited.
- Bare Act is not allowed.

**Marks**

- Q.1 The facts mentioned below are from an appeal to Hon'ble Supreme Court of India. This Appeal has been preferred against the Judgment and Order dated 21st December, 2017 of the High Court of Guwahati in Criminal Revision (P) No. 578 of 2016 by which the High Court concurred with the finding of facts, recorded by the Trial Court dated 22.12.2016 passed by the Addl. Chief Judicial Magistrate, Kamrup, Guwahati and of the Appellate Court, the Sessions Judge, Kamrup dated 13.10.2017 passed in Criminal Appeal No.3 of 2017. (12)

The appellant, a Government servant, got married to Smt. Minati Das (Kalita), the complainant on 5.2.2012 as per the Hindu rites. Smt. Minati Das (Kalita) gave birth to a male child on 10.3.2013. However, the relationship between the husband and wife were not cordial as it was alleged by the wife that she was being tortured mentally and physically by the appellant. She left the matrimonial home and started living with her father and was residing therein since 2013. In 2016, she came to know that the appellant got married to Ranju Sarma on 2.2.2016 at Tukeswari Temple. Thus, she filed an FIR against the appellant under Sections 498A/494 IPC. The appellant defended himself before the Trial Court denying all the charges.

The Trial Court found both the charges proved against the appellant beyond reasonable doubt and after convicting him, for the said offences, awarded the sentences. Being aggrieved, the appellant preferred appeal, which was dismissed by the Appellate Court and passed judgment and order. The appellant further approached Guwahati High Court by filing Criminal Revision which has been dismissed by the impugned judgment and order.

The learned counsel appearing for the appellant has raised all the contentions which the appellant has raised before the courts below, inter alia, that there was no valid marriage with Smt. Ranju Sarma as the marriage had taken place before a Hindu Deity and there was no case of mental or physical torture to bring home the charges under section

498A IPC. Thus the appeal should be allowed.

The learned counsel appearing on behalf of the respondent state submitted that there are concurrent findings of facts by three courts below so far as the issue of marriage of the appellant with Smt. Ranju Sarma is concerned. Hence, this Court should not interfere with the findings so recorded, being the fourth court entertaining this matter. So far as the attraction of the provisions of Section 498 A IPC is concerned, it was submitted that the appellant subjected the complainant (legally wedded wife) to physical and mental torture and agony; thus the charges have rightly been found proved against him by all the three courts. Therefore, there is no occasion for this Court to interfere in the matter. So the appeal is liable to be dismissed.

The fact given above mentions about commission of two crimes by the appellant. But as accepted by him the marriage with Ms. Ranju is not a ceremonial marriage, the Apex court decided not to comment on that & remanded back the matter to trial court. For the charges mentioned in Section 498-A IPC, they need an expert advice. Considering to the fact that you are studying law, advice to the Hon'ble Supreme Court, whether the charges are maintainable or not? Cite suitable authorities to support your answer. Write it from the argument that you consider appropriate, avoid writing both sides to the problem. Refrain from commenting on aspects of Law of Evidence.

- Q.2 Write a note on various offences studied under IPC where minimum punishment is prescribed by law. Cite correct sections of the IPC, alongwith case laws appropriate. (06)

OR

Write the various offences studied under IPC where only men are treated as offenders. Cite correct sections of the IPC & suitable authorities as applicable.

- Q.3 Discuss citing suitable arguments & authorities of law a pertinent question before courts that in case/s of an acid attack, if the injury is simple, whether an offence under section 326A of IPC can be invoked or not? (10)

- Q.4 The following fact is from an appeal pending in the High Court of Gujarat. The brief facts are as follows: (12)

The petitioner is an officer of Life Insurance Corporation of India. LIC is a statutory body governed by the provisions of the LIC Act and its employees are governed by the regulations framed by LIC in exercise of the statutory power under LIC Act. The deceased Dineshbhai Ganpatbhai Parmar was an employee of LIC holding in the cadre of Assistant Executive Engineer. In the year 2010, contracts were granted by the deceased for repair of the official quarters of L.I.C., at Rajkot as an officer of LIC to the petitioner of Special Criminal Application No. xx/yy and one another contractor M/s. Vijay Construction (hereinafter referred to as another contractor).

There was a complaint by petitioners of Special Criminal Application xx/yy against deceased, lodged with Anti Corruption Bureau (ACB) for demanding bribe and a trap was organized by ACB, which was not successful and had failed. There were complaints lodged by the petitioners of Special Criminal Application and other contractor to the Authority of LIC, by making allegations against the deceased for demand of bribe. On the basis of such complaints the specified authority of LIC had passed the order for suspending the deceased. There were no actions for about two years by the specified officers, though the deceased continued to make representations against the action of suspension. After two years, explanation was called by LIC from the deceased in connection with the allegations made by the contractor against the deceased. He replied

to the authority by submitting his explanation during the time line given to him.

The Vigilance Department of LIC also held an inquiry and had exonerated the deceased. However, specified authority of LIC issued charge-sheet to the deceased in 2014. Same year, the deceased made a demand for supply of certain documents. In the meantime, the National Commission for Scheduled Caste and Scheduled Tribes recommended for taking appropriate action for ventilating the grievance of the deceased. As per the specified officers LIC, as there were serious allegations of demanding bribe, the action is taken by the specified authority in discharge of official duty provided under LIC Act read with staff regulations framed thereunder.

Aggrieved by this, the deceased committed suicide with his wife Madhuben B Parmar, daughters Payal and Nisha by consuming poison. For two days the house remained close, so it was inquired and dead bodies of the deceased and the aforesaid three persons were found in the house. He left a suicide note stating the names of those ten authorities of LIC who were involved in his dismissal & suspension. The suicide note contains inter alia along with names of those involved following excerpts,

*'.....What a distress in man's life. There is the only safety method to trap and make a man helpless by playing fault and tricks and there is nobody to ask them. They were misusing the powers to spoil the lives of others, has humanity died? There is one aforesaid inquiry panel to damage my career/ life, by collusion of each other a wrong shape is given to the matter and the same is made colorful and I am tortured mentally for two years and I am made helpless for which the following persons are fully responsible. Hence, they shall be held deeply responsible in the eyes of law and shall be punished so that they may think oblique otherwise before doing such things to others.....'*

After getting the note, the police filed an FIR against all those named in the letter & carried on the detailed procedure. The trial court held, all the named persons are responsible as per the provisions of IPC for this offence. The respective authorities went to this appeal. The main question in this matter is whether there is an abetment for suicide by the respective authorities of LIC, named in the suicide note to the family of deceased? The counsel for the appellant put his case of no such abetment, while the High Court is in dilemmatic situation. Considering to the fact that you are studying law, advice to High Court, whether the charges are maintainable against the authorities of LIC or not. Cite suitable case laws to support your answer.

- Q.5 Elaborate & explain the statement: '*Culpable homicide is genus & murder is its species*'. (10)  
Substantiate your answer with suitable & appropriate authorities.

OR

Discuss the difference between the following:

- (a) Robbery & Dacoity
- (b) Theft & Extortion

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