

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Crimes (IPC)
Semester-III (Batch: 2019-24)

End Semester Online Examination: December 2020

Date: 13th December, 2020

Duration: 8 hours

Max. Marks: 50

Instructions:

- Attempt all questions. The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Mention correct statutory provisions and suitable case laws while answering every question.
- IPC refers to Indian Penal Code, 1860.

- Q.1 Two friends started a business, as entrepreneurs, in India. A put 75% of funds into business while 5% was taken from market. Remaining was promised by B but in the starting time, he could only arrange 10 % of the funds. After incorporation of the business, it flourished in few years, while A was mostly abroad, B managed everything in India. He also managed to pay for the rest of the 10% of his share in the business. The partnership deed mentioned that in case the partners are defaulter in any way, they can be terminated from the partnership. After 5 years the business became one among the top 3 businesses of India.
- A found that B was getting all the respect and decision making power with the business, which he felt otherwise. So he demanded 10 % remaining share of the business fund from B, to be paid within 48hrs of the notice. B informed that he has already paid his share as agreed in the partnership deed, but he could only show investment through some account books, nothing with the legal paperwork. A denied it completely and decided to remove B from the business. B requested and threatened of the legal suit, but A on the basis of the deed, removed B after 48hrs of notice period.
- B decided to take this matter to the Civil court and started his legal fight. The matter took 5 more years in the process at trial court. B became completely devoid of resources. He also started a job that was very unsuccessful. He had his parents, wife and kids to maintain. After fighting for very long, he became heart patient and his family has to depend on the meagre earnings of his wife.
- He wrote a long letter /mail to A stating that he is responsible for his condition and explained again to him, how he has paid his remaining 10% share to the business. And how he is unable to continue his life. After completing his letter/mail to A, B consumed poison and could not send the mail to A. It remained open on his computer.
- Same time, his father came to his room and saw his son dying, he called his wife and they two also decided to die with the same poison. Before doing so, his father added one more line to the open letter/mail that his parents are also dying with him because of A.
- When wife & kids of B came to home, they reported the case to Police, and police started investigation.

Marks
(12.5)

Based on the above facts, mention the relevant crime involved and which sections of IPC, are attracted here. Refrain from commenting anything not related with IPC. To support your answer, cite suitable authorities.

Q.2 The present facts are from an appeal pending before Apex court of India. (12.5)

The matter started with a state level sports match in a district of Rajasthan. Two teams played the match and one got the win, but the two groups of supporters end into death of X and Y, one from each side. In relation to this, police arrested 8 people who were directly involved with the death of X & Y.

Accused no 1, 2 & 3 were charged with section 302 IPC, while 4-8 decided to become the prosecution witness (here in after PW). PW-7 died during the trial and PW 4, 5, 6 & 8 got bail.

Supporters of the accused in custody were very unhappy to see remaining accused free on bail. After getting out, PW 5 decided to work on a land, which he owned. He invested some money and decided to take some loan from the local money lender. He continuously visited the money lender to convince him to lend some money. One day, while he was returning to his home, he stopped in between to take tea and refreshment in nearby shop. He came out and got attacked by 6-7 persons. They were all equipped with lathi and sticks. Their face was masked and nobody could identify them. PW-5 became unconscious and fell down. Assailants left the scene. No one helped PW-5, and by the time he regained his senses, those assailants again returned and beaten him to death.

It was reported to police and it was found that this murder have relation with the matter between the two groups related to the previous sports event murder. The investigation revealed that there was presence of accused no 1 also, on the crime scene, when PW-5 was murdered. Accuse no 1 was released on bail as he also decided to become the PW. Identify the issues involved in this case and mention the correct section of IPC. Since this case involve murder/ section 302 IPC, find out other relevant crime committed and to support your answer, cite suitable authorities.

Q.3 The facts cited below are from a case pending before Gujarat High Court. Two (12.5)

neighbours have very cordial relations with each other, and so do their kids. Both families have young kids. One fine day when daughter of family one was going to college, her neighbour's son came out and tried to hold her hand. He intended to drag her towards him, but the girl resisted and shouted. Then the boy ran into his house and asked his sister to help.

Aggrieved by the unexpected behaviour of the neighbour and good friend, the girl informed her parents about the incident and they lodged an FIR. The accused boy defended his case and mentioned that it was nothing from his side, just a friendly gesture. The trial court gave him bail, so the parents of the girl moved against this bail order, to the High court and stated that the freedom to this boy will be threatening to their daughter's future.

Now help out the court in this matter to find out the actual crime committed. Cite the correct section of the statute & appropriate authorities to support your answer.

Q.4 Give your opinion, citing suitable authorities on the following statements: (7+5.5 =12.5)

- A crime is not put to trial unless have guilty mind involved (7 Marks)
- Culpable homicide is genus & murder is its species. (5.5 Marks)
