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Criminal Law Questions for CLAT Exam

Criminal Law Quiz 1

Directions: Kindly read the given information carefully and answer the question that follows.

1. Legal Principle: Nothing is an offence which is done by a person who is bound by law to do it. Facts: 'A', a police officer, without warrant, apprehends Rohan, who has committed murder and is running for cover.

- A. 'A' is not guilty of the offence of wrongful confinement.
- B. 'A' cannot apprehend Rohan' without a warrant issued by a court of law.
- C. 'A' is guilty of the offence of wrongful confinement.
- D. 'A' may be guilty of the offence of wrongful restraint.

2. Legal Principle: Nothing is an offence which is done by a child under seven years of age.

Facts: A, a child born on January 01, 2013 has killed another child 'B' on December 30, 2017.

- A. A has committed no offence.
- B. A has not committed the offence for on the date of killing of B.
- C. A has committed the offence as it is heinous crime.
- D. Killing of one child by another child is not an offence.

3. Legal Principle: Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Facts: 'A' knows 'Z' to be behind a bush. 'B' does not know it. 'A', intending to cause, or knowing it to be likely to cause Z's death, induces 'B' to fire at the bush. 'B' fires and kills 'Z'.

- A. 'A' has committed the offence of culpable homicide.

- B. 'B' has committed the offence of culpable homicide.
- C. Both 'A' and 'B' have committed the offence of culpable homicide.
- D. Question does not provide sufficient data or is vague.

4. Legal Principle: Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Facts: 'X' takes a pin from Y's drawer without Y's consent to drape a saree for his friend.

- A. 'X' has committed an offence in the above context.
- B. 'X' has committed no offence in the above context.
- C. 'Y' can sue 'X' for an offence in the above context.
- D. Question does not provide sufficient data or is vague.

5. Legal Principle I: Any person may use reasonable force in order to protect his property or person.

Legal Principle II: The force employed must be proportionate to the apprehended danger.

Facts: Karan was walking on a isolated path. Maninder came with a knife and told Karan, 'Your life or your purse.' Karan pulled out his revolver. On seeing it, Maninder ran. Karan shot Manider in his legs.

- A. Karan will not be punished as there was danger to his property.
- B. Karan will not be punished as the force he used was proportionate to the apprehended injury.
- C. Karan will be punished as the force he used was disproportionate to the apprehended injury.
- D. Maninder ran to escape, there was no longer a threat to Karan's property. So Karan will be punished.

6. Principle: An act done by a child between 7 and 12 years of age is not an offence, if he/she is not mature enough to understand the nature and consequences of the act. [NLS 2000]

Facts: A child of 9 years finds a gold chain in the house of his uncle and gives it to his brother B, aged 5 years asking him not to tell anyone. The uncle reported it to the police station and the police conducted a search. During the search, the gold chain falls from the pocket of B and when the police asks B, he says that it was given to him by his brother A.

- A. Both A and B are guilty of theft.
- B. A is guilty of theft but B is not.
- C. Both A and B are not guilty of theft.
- D. B is guilty of theft but A is not.

7. Principle: Self-defence is considered as a universal exception for intentionally causing harm. [NLS 2002]

Facts: The robbers armed with knives and crowbars, broke the access door of a house and entered it. The owner of the house took his gun and threatened to shoot them. The robbers ran out of the house and started pelting stones. The owner opened fire. Having heard the gun shot, the police rushed to the place and announced that the owner must stop firing. The owner suspecting mischief, continued to fire and a policeman was injured by a shot. The robbers meanwhile fled away. The owner was sued for attacking the public servant on duty.

- A. The owner shall be liable for causing harm, in excess of what is necessary for self-defence.
- B. The owner shall not be liable for attacking the public servant as such, though he may be held otherwise.
- C. The owner's action is justified by the consideration of self-defence.
- D. It was the mistake of police.

8. Principle I: Any person may use reasonable force in order to protect his property or person.

Principle II: However, the force employed must be proportionate to the apprehended danger.

Facts: Ravi was walking on a lonely road. Maniyan came with a knife and told Ravi, 'Your life or your purse.' Ravi pulled out his revolver. On seeing it, Maniyan ran. Ravi shot Maniyan in his legs. [NLS 1990]

- A. Ravi will not be punished as there was danger to his property.
- B. Ravi will not be punished as the force he used was proportionate to the apprehended injury.
- C. Ravi will be punished as the force he used was disproportionate to the apprehended injury.
- D. As Maniyan ran to escape, there was no longer a threat to Ravi's property. So Ravi will be punished.

9. Principle I: Preparation to commit an offence is not an offence.

Principle II: After one has finished preparation to commit an offence, any act done towards committing the offence with intention to commit it, is an attempt to commit the offence, which is by itself an offence. [NLS 2000]

Facts: A wants to kill B. He buys a gun and cartridges for committing the murder. He then sets out searching for B and when he sees B, he loads his gun and takes aim at B and pulls the trigger. The gun did not fire.

- A. A is guilty of attempt to murder B from the time he sets out in search of B.
- B. A is guilty of attempt to murder from the time he loads his gun.
- C. A is guilty of attempt to murder from the moment he takes aim at B.
- D. A is not guilty of attempt to murder as offence was not complete at all.

10. Principle: Whoever makes any false document or part of a document with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

Facts: 'A' without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from 'Z' to 'A', with the intention of selling the estate to 'B' and thereby of obtaining from 'B' the purchase-money.

- A. 'A' has committed forgery
- B. 'B' has committed forgery
- C. 'A' and 'B' have committed forgery
- D. 'Z' has committed forgery



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Correct answers:

1	2	3	4	5	6	7	8	9	10
A	A	A	B	D	B	A	D	C	A

Explanations:

1.

As a general rule a police cannot arrest an accused without warrant. However, there are certain exceptional circumstances enumerated in Law under which a police can make an arrest without warrant. Section 41 of Code of Criminal Procedure envisages the circumstances under which an arrest can be made without warrant. The section states that when any person is actually concerned or reasonably suspected to be concerned in a cognizable offence.

Hence, option A is correct.

2.

Section 82 of Indian Penal Code states that nothing is an offence which is done by a child under seven years of age. A was of the age of minority and hence Doli Incapax, i.e. deemed incapable of forming the intent to commit a crime or tort, especially by reason of age (under ten years old).

Hence, option A is correct.

3.

A has committed the offence of culpable homicide as it was he who knew of the hiding place of B. B is not culpable of any crime as he did not know that Z was hiding behind the bush. If he knew he would also be liable for culpable homicide.

Hence, option A is correct.

4.

X has committed no offence as just taking a pin from Y's drawer amounts to no offence at all in the eyes of law

Hence, option B is correct.

5.

The apprehension or threat of imminent danger of death or grievous hurt has a very wide scope. An accused can legally exercise the right of private defence of the body, even when he or she has not been attacked, if the person is able to prove that he or she was under such apprehension. Here, Karan was not under any imminent threat or danger as Maninder started to run away. He should have called the police rather than to take the law in his own hands.

Hence, option D is correct.

6.

While B clearly falls under the age of 7 years, A knew that he was doing something wrong and therefore asks B 'not to tell anybody'. The criminal intention was there and hence A is guilty.

Hence, option B is correct.

7.

The owner shall be liable because he fired shots despite Police warning and after the robbers ran outside. The threat to his property was minimal and he could have withheld his firepower.

Hence, option A is correct.

8.

The force of self defence must be in accordance with the apprehended danger. Here, as Maniyan started to run away from Ravi, there was no apprehension of battery or assault on Ravi and thus his firing on Maniyan will not be considered as Self Defence.

Hence, option D is correct.

9.

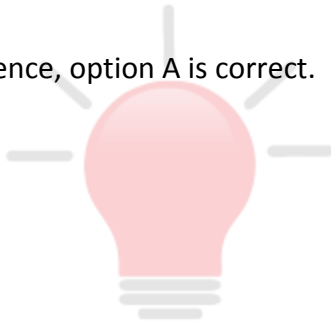
The moment A attempts to murder B by taking an aim him, He completes all the formalities of Section 511 IPC. Taking aim is more than preparation stage of commission of crime and hence he will be charged under Section 511 of IPC which deals with offences which are not complete. Section 307 i.e. Attempt to murder is not applicable because for that some hurt must be caused but here the gun did not fire and thus section 511 will be applied.

Hence, option C is correct.

10.

A has committed the offence of forgery because he wants to commit a fraud by causing a property loss to Z. He commits the act by affixing Z's signatures without Z's authority.

Hence, option A is correct.



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