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CRIMINAL LAW QUESTIONS FOR CLAT

CRIMINAL LAW QUIZ 2

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

1. Principles: (1) Any person may use reasonable force in order to protect his property or person.

(2) However, the force employed must be proportionate to the apprehended danger.

Facts: Krishna was walking on a lonely road. Maniyan came with a knife and said to Krishna, "Your life or your purse". Krishna pulled out his revolver. On seeing it, Maniyan ran. Krishna shot Maniyan in his legs. Decide. (NLS 1990)

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

2. Principles 1: Any person who interferes with the discharge of duties by a public servant is liable for punishment.

Principles 2: Nothing is an offence if the person who committed it was unable to appreciate the consequences of his act, due to intoxication, provided such intoxication was administered against his will and without his consent. (NLS 1990)

Facts: Krishna got drunk of his own volition and on his way back home he assaulted a policeman. He is prosecuted for intimidating a public servant.

Is Mr. Krishna liable for punishment"?

- A. Yes, Krishna is liable for punishment as he assaulted a policeman.
- B. No, Krishna is not liable for punishment as he was drunk.
- C. Yes, Krishna is liable for punishment as he got drunk of his own volition
- D. None of the above

3. Principle: Whoever, intending to take dishonestly any property out of the possession of another person, moves that property for such taking, is said to commit theft.

Facts: Suresh went into the house of his friend Ramesh to discuss some important matter. Since Ramesh was not at home, Suresh waited for him in the latter's drawing room. When Ramesh did not turn up, Suresh took a pen from Ramesh's table and wrote down a message and went home. While going back, by force of habit, he just dropped the pen into the pocket. Subsequently, he forgot about it. Since the pen happened to be very valuable one, Ramesh complained to the police and the police traced the pen in Suresh's house. Is Suresh liable for theft? (NLSIU-1994)

- A. Suresh committed theft, because he took the pen without Ramesh's consent.
- B. Suresh committed theft, because he failed to return the pen.
- C. Suresh did not commit theft, because he did not have dishonest intention.
- D. Suresh is not liable for theft but for Criminal Breach of Trust.

4. Principle: A person commits cheating, when he fraudulently induces another person to deliver the latter's property to him.

Facts: A falsely represented to B, a shop-owner that he was an officer from the Sales Tax Department. In the course of going through the vouchers, A expressed his interest to buy, a costly television on installment basis. B readily agreed

hoping that he would get a favourable assessment from A regarding his tax liability. A paid the first installment and took the T.V. and disappeared. The police somehow managed to arrest him and sought to prosecute 'A' for cheating. Decide. (NLSIU-1995)

- A. A committed cheating, because he induced B to part with the TV, posing himself as a sales-tax officer.
- B. A committed cheating, because he did not pay the subsequent installment.
- C. A did not commit cheating, because B handed over the T.V. to him in order to get favourable assessment.
- D. A commits the offence of Criminal Misappropriation.

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

Facts: A, a child born on January 01, 2005 killed another child B on December 30, 2011.

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

6. Principle: Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking is said to commit theft".

Facts: Kumud went into a jewellery shop with a view to finding a match for her bangle. She selected the bangle which matches with the bangle which she was wearing; and when she saw the price tag, she gave it up. But meanwhile, she inadvertently took the valuable bangle of the shop and left her less valuable

bangle in the casket of the valuable bangle. Nobody in the shop noticed it and she discovered it only after reaching home. (NLSIU 1995)

State whether Kumud can be prosecuted for theft?

- A. Kumud committed theft, because she took the valuable bangles out of the shop.
- B. Kumud committed theft, because she left behind her less valuable bangles in the casket
- C. Kumud did not committed theft, because her intention was not dishonest.
- D. None of the above

7. Principle: Whoever delivers to any other person as genuine any counterfeit currency which he knows to be counterfeit currency which he did not know to be counterfeit at the time when he received it is guilty of an offence.

Facts: Mr. Ramachandran is a cashier in a School. One evening his wife returned home from market. While she was counting the remaining money, Mr. Ramachandran noticed counterfeit currency note of Rs. 100. His wife told him that it was given to her by way of change when she gave a Rs. 500 note in the grocery shop by the person at the cash counter. Mr. Ramachandran goes to the same shop with a view to get rid of the counterfeit note. He buys a shaving cream worth Rs. 32.50 and gives the counterfeit note at the cash counter. The cashier inspects the note and realizes that it is counterfeit. He calls the police. (NLSIU 97)

- A. Mr. Ramachandran is not guilty of any offence because he neither manufactured the counterfeit note nor did he circulate it with a view to deceive anybody.
- B. Mr. Ramachandran is not guilty because he was attempting to return the counterfeit note to the same person from whom he received it.
- C. Mr. Ramachandran is guilty because he attempted to deliver a counterfeit currency note as genuine which he knew was counterfeit.
- D. None of the above.

8. Principle: Every person has a right to defend his own person, property or possession against an immediate harm, and to that end, may use reasonable amount of force.

Facts: Mr. Kaul was passing by Mrs. Mattoo's house. At that time, Mrs. Mattoo's dog ran out and bit Mr. Kaul's overcoat. Mr. Kaul turned around and raised the pistol he was carrying in the pocket of his overcoat. The dog ran away, and Mr. Kaul shot the dog as it was running away. Mr. Kaul knew that the dog had attacked so many other people in that locality of Jammu. Mrs. Mattoo claims that her dog was of a rare breed and it was worth Rs. 5000/-. She is planning to bring a legal action against Mr. Kaul for compensation. (NLSIU 97)

- A. She will succeed in getting compensation from Mr. Kaul because he killed the dog which was not actually attacking him at the time of shooting.
- B. She will not succeed because Mr. Kaul was justified in shooting the dog to protect himself.
- C. She will not succeed because Mr. Kaul took the action to protect himself as well as many other members of public in future.
- D. None of the above.

9. Principle: Whoever causes death by doing an act with the intention of causing death commits culpable homicide; punishable under Indian Penal Code.

Facts: Bandipur is a protected area wherein hunting is totally forbidden. Kannan, a poacher, stealthily entered this area and he shot at a deer. He missed the target and the bullet hits the forest guard relaxing nearby, whom Kannan had not seen. The forest guard was killed. Decide whether Kannan is guilty of culpable homicide. (NLSIU-1998)

- A. Kannan is liable for Culpable Homicide
- B. Kannan is not liable for Culpable Homicide

C. Kannan is liable for Murder

D. Kannan is liable for Culpable Homicide as well as under Wildlife Protection Act.

10. Principle: Law does not take notice of trifles.

Facts: A proposes to his neighbor B that they both should go together for a morning walk. B agrees to the proposal and it is decided that both of them would meet at a particular point 6 A.M. from where they would set off for the morning walk. In spite of the agreement, B does not turn up. A waited for him at 6 a.m. every day, for a continuous period of seven days. Thereafter he files a suit against B claiming damages for the agony and mental torture suffered by him. Decide. (NLSIU-1999)

A. B is guilty of breach of contract and is liable to pay damages.

B. There is intention to enter into legal relations and the court will ask B to pay compensation.

C. The matter is too small and the court will refuse to go into it.

D. None of the Above.

Correct answers:

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

Explanations:

1.

The force employed was way more than the danger level as Maniyan started to run away from Krishna. As the threat was reduced and was continuously reducing, there was no need to shoot Maniyan in the Legs.

Hence, option C is correct.

2.

The Defense of Intoxication is available in the Indian Penal Code when the said state is not caused by voluntary Act. Krishna Drunk on his volition and hence his Act is punishable.

Hence, option C is correct.

3.

Dishonest intention is clearly absent from the Act of Suresh. Without Dishonest intention, the act of Theft does not take place. Hence, Suresh is not liable.

Hence, option C is correct.

4.

Firstly, A falsely impersonated as a Sales Tax officer to buy a television and secondly, he fraudulently induced B to sell that to him. He is liable for cheating.

Hence, option A is correct.

5.

The child of less than 7 years can commit no crime has been taken from the doctrine 'Doli Incapax' which means Not capable of committing a crime. Since facts clearly mention that A was less than 7 years of age, he is not culpable of any crime.

Hence, option A is correct.

6.

Let us see the Principle of theft which states that-- Whoever, intending to take dishonestly any movable property out of the possession of any person. In this case Kumud had no dishonest intention and it is even written in the facts of the case that she took the bangle inadvertently.

Hence, option C is correct.

7.

The facts of the case clearly mention that--- Mr. Ramachandran noticed counterfeit currency note of Rs. 100----. Here, the said principle of the Question is fully applied and he is liable under the law.

Hence, option C is correct.

8.

The force employed was way more than the danger level as the Dog started to run away from Mr. Kaul. As the threat was reduced and was continuously reducing, there was no need to shoot Dog. Mrs. Mattoo claim will succeed.

Hence, option C is correct.

9.

Kanan will not be liable for killing the forest guard as he had no intention to kill him. He will be liable for trespassing the Forest Land, Attempt to poach etc. but not for killing the forest guard as both for homicide and Murder, intention needs to be proved.

Hence, option B is correct.

10.

First of all the language of the facts make it clear that B and A's agreement is more of a social understanding rather than a legal agreement. Secondly, A waits on his own for 7 days which was not agreed to by B in his capacity as a neighbor. The court will dismiss the case.

Hence, option C is correct.



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