Odisha Judicial Service (Mains) 2013

Law of Crime and Law of Torts · optional paper

JSM – 13/3 · 3 hours · 150 marks

Answer six questions, selecting three from Section A and three from Section B.

Section A

1. When does an act amount to an attempt to commit a Crime ? Is there any difference in this respect between General Section 511 of the IPC on the one hand and Section 307 IPC and Section 308 IPC on the other ? If so explain with reasons. [25 marks]

2. A, a girl student with an age around 18 years and a month developed intimacy with B, a senior student aged about 20 years from the same college. B on the condition of total secrecy promised to marry her but persuaded her for abortion. Again on the second occasion, B impregnated A and got the child aborted. B however did not marry A even thereafter. A approaches you for your expert advice. Advise. [25 marks]

3. How under IPC 'mistake of law' is no defence but 'mistake of fact' is a good defence ? What exemptions have been given by IPC to minors for an offence under General Exceptions ? [25 marks]

4. What is culpable homicide ? When does culpable homicide becomes murder ? When culpable homicide not amounting murder ? [25 marks]

5. Define and explain Theft. How is Theft different from Extortion ? Under what circumstances Theft becomes Robbery ? Distinguish Theft from Dacoity. [25 marks]

6. Write brief notes on the following :
(a) Self Defence
(b) Sedition
(c) Conspiracy
(d) Extortion
(e) Mens rea [25 marks]

Section B

7. Tort is a civil wrong different from breach of contract and crime. Explain. [25 marks]

8. What constitute false imprisonment ? Explain various defences available to a defendant in case of false imprisonment. [25 marks]

9. Who are joint-tort feasors ? Discuss the nature of joint-tort feasors of liability with the help of decided cases. What is the law regarding contribution amongst joint-tort feasors ? [25 marks]

10. What is the ratio decidendi of Rylands v. Flecture and M. C. Mehta v. Union of India (Oleum gas leakage) cases ? How both cases are different from each other ? [25 marks]

11. Is there any civil remedy available to the Client against Advocate under Consumer Protection Act, 1986, if the Advocate committed negligence, breach of trust, misappropriation and fraud ? Discuss. [25 marks]

12. Write brief notes on the following :
(a) Ubi Jus Ibi Remedium

(b) Volenti Non Fit injuria
(c) Defences to an action for Nuisance
(d) Defences to an action for Defamation
(e) Caveat Emptor to Caveat Venditor [25 marks]

De Facto IAS