Odisha Judicial Service (Mains) 2018

Law of Crime and Law of Torts · optional paper

Time: 3 hours. Full marks: 150. The figures in the right-hand margin indicate marks. Answer six questions, selecting three from Section A and three from Section B.

Section A

1. Discuss unsoundness of mind, infancy and intoxication as general exceptions to criminal liability. [25 marks]

2. Discuss the stages of a crime with particular reference to the law relating to attempt under the Indian Penal Code. [25 marks]

3. While there is no specific chapter on crimes against women in the Indian Penal Code, the provisions relating to the same are spread in various parts of the IPC. Elucidate. [25 marks]

4. Distinguish between murder and culpable homicide, as enumerated in the Indian Penal Code, 1860. [25 marks]

5. What is Theft under the IPC? Distinguish it with Robbery. [25 marks]

6. Write illustrative notes on the following: (a) The doctrine of 'transferred malice'. (b) 'Murder' by a life convict. (c) Wrongful restraint and wrongful confinement. (d) Grave and sudden provocation. (e) Criminal misappropriation and criminal breach of trust. [25 marks]

Section B

7. Discuss 'strict liability' in the light of leading cases and distinguish it from the concept of 'absolute liability'. [25 marks]

8. Explain the law relating to manufacturer's liability in tort with the help of decided cases. [25 marks]

9. 'Ubi jus ibi remedium' — elucidate with the help of appropriate illustrations. [25 marks]

10. Discuss 'damnum sine injuria' and 'injuria sine damno' with the help of decided cases. [25 marks]

11. Examine the exceptions to tortuous liability. [25 marks]

12. Write illustrative notes on the following: (a) Res ipsa loquitor. (b) Nervous shock as a tort. (c) Liquidated and unliquidated damages. (d) The principle of 'vicarious liability'. (e) Libel and slander. [25 marks]