Odisha Judicial Service (Mains) 2021

Law of Crime and Law of Torts · optional paper

JSM – 21/3 · 3 hours · 150 marks

The figures in the right-hand margin indicate marks. Candidates should attempt six questions, selecting three from Section A and three from Section B.

Section A

1. Write an essay on the doctrine of Mens Rea and the scope of its applicability under the IPC. [25 marks]

2. Give an account of the offences relating to cruelty by husband and his relatives. [25 marks]

3. Examine insanity as a defence under the Indian Penal Code. [25 marks]

4. What are the ingredients of theft ? Can a person commit theft of his own property? [25 marks]

5. Examine the utility of capital punishment of contemporary times. [25 marks]

6. Write notes on the following: [5 × 5 = 25 marks]
(a) Stages of crime
(b) Right of private defence
(c) Public nuisance
(d) Abetment and conspiracy
(e) Kidnap and Abduction

Section B

7. Discuss when defamatory statement does not involve any criminal liability. [25 marks]

8. Discuss the principles relating to an action in Tort for malicious prosecution. [25 marks]

9. 'Negligence is the complex concept of duty to take care, its breach as consequential damage.' Comment. [25 marks]

10. Referring to leading cases, describe the limitations and scopes of State's Liability for torts committed by its servants or agents. [25 marks]

11. Describe, in details, the facts and principles of Law laid down Donoghue vs. Stevenson (1932 A. C. 567) and Raynald vs. Fletcher 1869 (H. L. 380). [25 marks]

12. Write notes on the following: [5 × 5 = 25 marks]
(a) Vicarious liability.
(b) Damage for nervous and mental shock
(c) Disability to sue and to be sued
(d) Torts founded on contract
(e) Injuria sine damno.