

LLB 07/5/25
SEM - II
Regular

Time: 2 ½ Hours

Marks: 75

Instructions: 1. Attempt all question.
2. Use case laws wherever required.

Q1. Answer the following in one or two sentence. (Any 6)

12 Marks

- 1) What is undue influence at elections?
- 2) Define assault.
- 3) Explain the maxim, "Actus non facit nisi mens sit rea."
- 4) What is abetment?
- 5) What is Constructive liability?
- 6) What is Voyeurism?
- 7) State any two offenses relating to religion.
- 8) What is wrongful gain and wrongful loss?

Q2. Write Short Note. (Any 2)

12 Marks

- 1) Right of private defense under BNS 2023.
- 2) Stages in the commission of Crime.
- 3) Defamation
- 4) General Exceptions to Crime under BNS 2023.

Q3. Attempt any 2. (Situational Question)

12 Marks

1. Ravi, a 35-year-old man with a long history of paranoid schizophrenia, believed that his neighbor was an alien sent to harm him. One day, under the delusion that he was defending himself from imminent attack, Ravi stabbed his neighbour with a kitchen knife, causing serious injuries. Upon arrest, Ravi appeared disoriented and continued to express bizarre beliefs. His medical history and behaviour led to a psychiatric evaluation, which confirmed that he was suffering from a mental disorder that impaired his understanding of reality at the time of the incident.
 - a) Based on the facts provided, can it be established that Ravi was incapable of knowing the nature of the act or that it was wrong or contrary to law at the time of the incident?
 - b) Provide the name of relevant case law.
 - c) What is the defense available for Ravi in the above matter as per BNS 2023?
2. Arhaan, aged 14 years and 8 months, was arrested for participating in an armed robbery that resulted in severe injury to the shopkeeper. Though the prosecution seeks to try him as an adult due to the severity of the crime, Arhaan's defense argues that his age and lack of criminal history should mitigate the proceedings.

- a) What factors must be considered under BNS 2023 to determine if a juvenile can be prosecuted as an adult?
 - b) How does the classification of the offence as 'heinous' impact the prosecution of a juvenile under BNS 2023?
 - c) Can a juvenile's maturity and mental state influence their prosecution under BNS 2023?
3. Ramesh, a senior executive in a multinational corporation, was found guilty of embezzling ₹50 lakhs from the company's funds over a period of two years. The funds were diverted through fraudulent invoices and false reporting. Despite his senior position and the scale of the crime, Ramesh claims that he was under financial stress and did not intend to harm the company. He further argues that his actions were driven by personal need rather than financial gain from the company.
- a) State the kind of Offence committed by Ramesh under BNS 2023.
 - b) Does the motive of financial distress affect the severity of Ramesh's crime?
 - c) How does Ramesh's position within the company influence the legal implications of his actions?
4. Ravi published a graphic novel that included sexually explicit illustrations. While some readers praised it as artistic expression, others filed complaints claiming it was obscene and corrupted public morals. Ravi argues that the content has literary value and is meant for mature audiences.
- a) What amounts to 'obscene content' under BNS 2023?
 - b) Can artistic or literary value be a valid defence against an obscenity charge?
 - c) How does the intended audience affect the determination of obscenity under BNS 2023?

Q4. Answer any three out of five questions.

39 Marks

- 1) Explain the statement in detail "All Murders are Culpable homicide but all Culpable Homicide are not murder".
 - 2) Discuss theories of Punishment.
 - 3) What are the offenses mentioned in BNS 2023 against women and children.
 - 4) Comparative note on Theft, Extortion, Robbery and Dacoity.
 - 5) Discuss Offences relating to marriage.
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2. अर्हान, वय १४ वर्षे ८ महिने, एका सशस्त्र चोरीत सामील असल्यामुळे अटक करण्यात आली. चोरीत दुकानदार गंभीर जखमी झाला. सरकारी वकील म्हणतो की तो प्रौढ म्हणून खटल्याला सामोरा जावा, पण संरक्षण पक्ष म्हणतो की त्याचे वय व पूर्वीची गुन्हेगारी नोंद नसल्यामुळे त्याच्यावर सौम्य कारवाई व्हावी.

- BNS 2023 नुसार अल्पवयीन मुलांवर प्रौढ म्हणून खटला चालवण्यासाठी कोणते घटक विचारात घेतले जातात?
- 'घातक गुन्हा' असल्यास अल्पवयीन व्यक्तीच्या खटल्यावर काय परिणाम होतो?
- अल्पवयीनाचा मानसिक व बौद्धिक परिपक्वता त्याच्या खटल्यावर कसा परिणाम करू शकतो?

3. रमेश, एका आंतरराष्ट्रीय कंपनीत वरिष्ठ कार्यकारी, दोन वर्षांत कंपनीचे ₹५० लाख फसवणूक करून वळते. त्याने छोटे चलन व चुकीचा अहवाल वापरला. रमेश म्हणतो की त्याचा हेतू हानी पोहोचवण्याचा नव्हता, तर वैयक्तिक अडचणींमुळे त्याने हे केले.

- BNS 2023 नुसार रमेशने कोणता प्रकारचा गुन्हा केला आहे?
- आर्थिक अडचणीतून गुन्हा केल्यास शिक्षेच्या तीव्रतेवर परिणाम होतो का?
- कंपनीत वरिष्ठ पदावर असणं रमेशच्या गुन्हेगारी जबाबदारीवर कसा परिणाम करते?

4. रवीने अश्लील चित्रांसह एक ग्राफिक कादंबरी प्रकाशित केली. काहींनी तिचं कौतुक केलं, पण काहींनी तक्रार केली की ती सार्वजनिक नैतिकता बिघडवते. रवी म्हणतो की त्याचे साहित्य प्रौढ वाचकांसाठी असून त्यात साहित्यिक मूल्य आहे.

- BNS 2023 नुसार 'अश्लील मजकूर' म्हणजे काय?
- कलात्मक किंवा साहित्यिक मूल्य हे अश्लीलतेच्या आरोपाविरुद्ध संरक्षण ठरू शकते का?
- उद्दिष्टित प्रेक्षकगटाचा अश्लीलता ठरवण्यात काय परिणाम होतो?

प्र.4. पुढीलपैकी कोणतेही ३ प्रश्न उत्तरे द्या.

(३९ गुण)

- "सर्व खून हे दोषारोपणीय मानवहत्या असतात; पण सर्व दोषारोपणीय मानवहत्या हे खून नसतात" या विधानाचा सविस्तर अर्थ स्पष्ट करा.
- शिक्षेच्या सिद्धांतांची चर्चा करा.
- BNS 2023 अंतर्गत महिलांवर व बालकांवर होणाऱ्या गुन्ह्यांची माहिती द्या.
- चोरी, जबरदस्ती, दरोडा आणि डकैती यांच्यातील तुलनात्मक माहिती द्या.
- विवाहाशी संबंधित गुन्ह्याविषयी चर्चा (BNS 2023 अंतर्गत)