

Roll No.**SAP ID**

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Law of Crimes- III : Code of Criminal Procedure II, Juvenile Justice Act and Probation of Offenders Act
Semester: IV
Programme: B.B.A.LL.B-sz-BIF/ITIL **Course Code -CLCC- 2007**

Time: 03 hrs.**Max. Marks: 100****Instructions:**

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	The right to be released on bail under Sec.436(1) Cr.PC cannot be nullified indirectly by fixing too high the amount of bond or bail –bond to be furnished by the person seeking release (especially poor/indigent). Discuss and also highlight the grounds on which a bail already granted can be cancelled and the accused remitted to jail under Secs. 437 and Secs 439 with relevant case laws.	20	4,5
Ans.			
2	Critically analyse the schemes available for rehabilitation and social reintegration of Children under the Juvenile Justice (Care and Protection of Children) Act, 2000 along with relevant sections of the act and the leading judgements.	20	4;5
Ans.			
3	A Hindu Lady who married after coming into force Hindu Marriage Act, with a person who had a living lawfully wedded wife. Can the second wife in entitled to claim maintenance under section 125 Cr.P.C against the husband who had concealed his first marriage from her. Discuss in the light of the relevant provisions given under the Criminal Procedure Code (Cr.PC).	20	4,5

Ans.			
4	<p>"For deciding just and appropriate sentence to be awarded for an offence, the aggravating and mitigating factors and circumstances in which a crime has been committed are to be delicately balanced on the basic of really relevant circumstances in a dispassionate manner by the Court. Such act of balancing is indeed a difficult task and no formula of a fool proof nature is possible that would provide a reasonable criterion in determining a just and appropriate punishment in the infinite variety of circumstances that may affect the gravity of the crime. In the absence of any fool proof formula which may provide any basis for reasonable criteria to correctly assess various circumstances germane to the consideration of gravity of crime, the discretionary judgment in the facts of each case, is the only way in which such judgment may be equitably distinguished."</p> <p>In light of the above observation, critically discuss the salient features of The Probation of Offenders Act, 1958.</p>	20	3,4,5
Ans.			
5	<p><i>"The right against self-incrimination cannot be waived as it is a fundamental right. In this light, whether plea bargaining violates the right to self-incrimination in the Indian context becomes an important question. Article 20(3) also provides protection for the defendant in cases where there is mental harassment of the accused to incriminate himself or herself. It is not uncommon for a defendant to waive his trial rights when faced with the apprehension of a severe punishment. The imposition of these difficult choices is inevitable in plea bargaining. With this premise, in the Indian context, plea bargaining makes a case for hard coercion and therefore must be considered as violating the fundamental right of the accused under Article 20(3). The only justification of the inapplicability of Article 20(3) is the fact that plea bargaining is argued to be voluntary and undertaken in an exercise of free will by the accused."</i></p> <p>Critically evaluate the provisions of plea-bargaining in India in light of above jurisprudence with the help of leading case laws.</p>	20	4,5
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.