

Roll No.....

SAP ID .....



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, July 2020**

**Open Book – Through Blackboard Learning Management System**

**COURSE:** The Law of Crimes III: Code of Criminal Procedure II, Juvenile Justice Act & Probation of Offenders Act

**SEMESTER:** IV

**PROGRAMME:** B.A.,LL.B. (Hons.) Criminal/Labour/Constitutional Laws/ B.A.,LL.B. (Hons.) Energy Laws

**Time:** 03 hrs.

**Max. Marks:** 100

**Instructions:** As this examination is an open book, 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 any unfair means and provide answers in their own words.

**All Questions are Compulsory**

**Answer each question in not more than 500 words**

S.No		Marks	CO
1.	On 9 December 2018, some terrorists launched armed attacked in one of the 5 star hotel in city of Jaipur. As soon as the Jaipur Police came to know about this terrorist attack, they put their full force to thwart this attack with full vigor, during this attack some brave policemen lost their lives and eventually killed most of the terrorists. Only one terrorist named Mr. X was caught alive. Mr. X was charged for several offences such as waging war against India, Murder and possessing explosive weapons. He was tried by Special Court in Jaipur and the Court found him guilty of murder,		CO 2

	<p>waging war against India, possessing explosives. On 6 June 2020, the same trial court concluded the trial and sentenced him to death.</p> <p>a. Can the accused person be hanged to death without referring the sentence of death to the high Court?</p> <p>b. State the procedure, which is required for confirmation of death sentence by the High Court.</p>	10	
Ans.			
2.	<p><b><i>“Mere acceptance or admission of the guilt should not be a ground for reduction of sentence. Nor can the accused bargain with the Court that as he is pleading guilty sentence be reduced.”</i></b></p> <p>Critically analyze the statement in the light of recent shift in Judicial approach towards the concept of Plea-Bargaining.</p>	20	CO3
Ans.			
3.	<p>Rahul proposed Radhika for marriage, on being requested by Rahul, she agreed for marriage and accordingly marriage was solemnized on 10.2.2005 at Krishna Temple situated at Mumbai as per Hindu Rites and customs. After her marriage, she resided and cohabited with Rahul in Delhi. Initially for 3 months, Rahul cohabited and maintained her nicely. After about three months of her marriage, one lady Sadhna came to the house of the Rahul and claimed herself to be his wife. On being asked, Rahul accepted the fact that he was already married to Sadhna and now if Radhika wants to stay with him, she has to reside quietly. Otherwise she was free to go back to her parents house. At that time Radhika was pregnant. she tolerated the ill-treatment of Rahul and stayed along with Sadhna. However, Rahul started harassing her. He used to give merciless beatings to Sadhna. Rahul also used to doubt that her womb is begotten from somebody else and it should be aborted.</p>		CO4

	<p>When torture became unbearable, Radhika came back to the house of her parents in Dehradun and gave birth to baby boy named Shivansh on 28.11.2005. Radhika's parents were old and they were not in a position to take care of Radhika and her son. Hence Radhika claimed maintenance for themselves.</p> <p>Rahul denied his relation with Radhika as his wife and son respectively. He alleged that he never entered with any matrimonial alliance with Radhika on 10.2.2005. He also denied co-habitation with Radhika and claimed that he was not the father of Radhika's son either.</p> <p>Further he stated that he had married Sadhna on 17.2.1979 and from that marriage he had two children viz. one daughter aged 20 years and one son aged 17 years and Sadhna had been residing with him ever since their marriage. Therefore, Radhika was not and could not be his wife during the subsistence of his first marriage and she had filed a false petition for maintenance claiming her relationship with him. Rahul duped Radhika by suppressing the factum of alleged first marriage.</p> <p>a) Considering the fact that before marrying Radhika, Rahul was already married to another lady and during the continuance of First marriage, he entered into matrimonial accord with Radhika. He never disclosed the facts of his first marriage. In this situation Radhika, being a second wife, can she claim maintenance from Rahul for herself and her son? Decide with the help of relevant case-laws and legal provisions.</p> <p>b) Also discuss the possible places of jurisdiction where the petition could be filed by Radhika against Rahul for maintenance.</p>	10	
Ans.			
4.	Discuss in detail the procedure of trial of warrant cases <i>instituted otherwise than on police report</i> . Explain the procedure of trial with the help of relevant provisions and case laws.	20	CO2
Ans.			
5.	The object of Juvenile Justice (Care and Protection of Children) Act, 2015 is to regulate " <i>Law relating to children alleged and</i>		

	<p><b><i>found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established.”</i></b></p> <p>Analyze the role of Juvenile Justice Board and child welfare Committee provided under the Juvenile Justice (Care and Protection of Children) Act, 2015.</p>	20	CO3
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.