

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, JJ Act, Probation of Offenders Act.

Course Code: CLCC2007

Semester: IV

Programme: B.B.A., LL.B. (Hons.) Corporate Law – B2

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	<p><i>"A child in conflict with the law means a child who is alleged or found to have committed an offence"</i></p> <p>(a) Who is a Juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015</p> <p>(b) Analyze the classification of offences under the Juvenile Justice (Care and Protection of Children) Act, 2015</p>	20	CO1
Ans.			
2	<p>The wife filed an application under Sec. 125 CrPC claiming maintenance for herself and also for minor daughter alleging that at the time of her marriage with the respondent sometime in 2016, the fact that the respondent was already married and his spouse was living was not known, and that after the discovery of the previous marriage of the respondent the relationship between the parties gradually become strained and ultimately the respondent started neglecting the applicant and the minor daughter and refused to maintain them. The respondent denied his liability to pay any maintenance and pleaded that the applicant was fully aware of his first marriage and the fact that his first wife was living at that time. Examine and evaluate the above case scenario with the help of legal provisions and case laws.</p>	20	CO3
Ans.			

3	Elaborate the powers of the metropolitan magistrate to grant bail in cases of non-bailable offences. Also, state the reasons for which the bail already granted in such cases can be cancelled. Critically evaluate the provisions with the help of case laws.	20	CO3
Ans.			
4	<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 protects 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 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 the above jurisprudence with the help of leading case laws.</p>	20	CO4
Ans.			
5	Critically evaluate the statement “the session trial is a very simplified criminal trial even though it appears to be cumbersome”. What is the role of the public prosecutor in it? How a session trial is different from summons trials.	20	CO2
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.