

CSM – 49 / 15
Law
Paper – II

Time : 3 hours

Full Marks : 300

The figures in the right-hand margin indicate marks.

*Candidates should attempt Q. No. 1 from Section – A and Q. No. 5 from Section – B which are compulsory and **three** of the remaining questions, selecting at least **one** from each Section.*

Section – A

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1. Answer any **three** of the following (each answer should be in about **200** words) : $20 \times 3 = 60$
 - (a) "Criminal intention simply means the purpose or design of doing an act forbidden by the criminal law without just cause or excuse" — Critically analyze the statement.
 - (b) Define Rape. Examine the essential ingredients of the offence. What is the

relevance of consent of the victim with special reference to custodial rape ?

(c) Comment on the relevance of 'private defence' in criminal justice system. When does private defence extend to causing death ? Illustrate your answer.

(d) 'Every breach of trust is misappropriation but every misappropriation is not necessarily a breach of trust.' Critically comment.

2. (a) Define Dowry death as envisaged under Section 304B of IPC and discuss how cruelty mentioned under Section 498A of the code is linked with Dowry death. Refer to decided cases.

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(b) Many of the offences which fall under the head of 'Hurt' also fall under the head of 'Assault'. Discuss. $30 \times 2 = 60$

3. Answer any three questions : $20 \times 3 = 60$

(a) How does 'volenti non fit injuria' as a general defense different from 'contributory negligence' ?

- (b) Examine the different relationships which create vicarious liability under torts law.
- (c) Discuss the essentials which constitute the act, 'defamation'. Illustrate your answer.
- (d) False imprisonment is total restraint upon liberty of a man without lawful justification.

Comment.

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4. (a) Public nuisance is crime and private nuisance is a tort. Explain with reference to 'nuisance' as a tort.
- (b) When does the rule of strict liability apply? Elaborate with case laws. $30 \times 2 = 60$

Section – B

5. Answer any **three** of the following (answer to each must not exceed **200** words) : $20 \times 3 = 60$
- (a) Sellers remedies against the buyer for breach of contract.
- (b) What is an Auction Sale and when an Auction Sale is complete ?

(c) How are the losses of a partnership firm shared by partners ?

(d) Privity of Contract.

(e) A, a tradesman leaves goods at B's house by mistake; B treats the goods as his own. Is he bound to pay A for the goods ? Cite the relevant law.

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6. (a) A, while still a minor by fraudulently misrepresenting his age, agreed to sell his property to B. Having received full consideration amount, A refused to perform his part of the bargain on the plea of minority. Can B recover the amount from A ?

(b) "Performance of the conditions of an offer amounts to acceptance of the offer even in the absence of intimation of acceptance."
Explain with the help of a decided case.

30×2 = 60

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7. (a) State and explain the circumstances under which a firm may be dissolved by the court.
- (b) X, Y and Z enter into a partnership for a period of five years. At the end of two years X wishes to dissolve the partnership. What would you like to advise X ? 30×2 = 60

8. (a) "Caveat Emptor" is the defence always available to a seller" Comment.
- (b) A sugar retailer appointed by the Government under the cement control (purchase and sale) order gets 2,000 bags of cement at a price fixed by the statutory authority under the order.

Examine and state whether any, "Sale of goods" is involved in the transaction.

30×2 = 60

