

<b>CSM – 49/17</b>
<b>Law</b>
<b>Paper – II</b>

*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 any **three** of the remaining questions selecting at least **one** from each Section.*

**SECTION – A**

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1. Distinguish any **three** of the following with the decided cases (answer to each question must not exceed **200** words) : 20×3 = 60
- (a) 'Culpable Homicide' and 'Murder'
  - (b) 'Rape' and 'Adultery'
  - (c) 'Tort' and 'Breach of Contract'
  - (d) 'Strict Liability' and 'Absolute Liability'

2. (a) With the help of case law, explain the concept of group liability as provided under Section 34 and Section 149 of IPC.

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- (b) One evening, after the other officials left, the cashier in a private bank was tallying the cash and accounts when four men rushed into the bank after attacking the security guard. 'A' shot the cashier in the arm, while 'B' and 'C' grabbed the money. As he was trying to shout and knew 'D' personally, 'D' told the others that he was going to kill the cashier. The other three insisted that he should not kill the cashier under any circumstances as he had a wife and three children. But 'D' all the same, killed the cashier. The fifth friend 'X' only remained at the gate of the bank as he changed his mind at the last minute and did not want to directly involve in any criminal activity. Discuss the liability of all the five accused in the said case. 30

3. (a) The law of 'Sedition' has assumed controversial importance in view of various

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incidences which have taken place in last few years. Discuss the law on the point. Do you think that sedition law should be amended ? Explain with reasons. 30

- (b) 'X' obtains money from 'Y' by saying, 'Your 4 years old son is with my gang and will be put to death unless you send us rupees 50 lakh. What is the offence committed ? Discuss and distinguish it from similar nature of crime enumerated in the IPC. 30

4. (a) What is 'False Imprisonment' ? Discuss the essential ingredients of false imprisonment. Refer to decided cases. 30

- (b) Examine the tortious liability of 'X' in the following : 30

'X' pretends to lock the plaintiff in room by purporting to turn the key of the door from outside and taking it away. The fact is that the door, though shut, is not locked. The plaintiff remains in the room for two hours under the belief that he has been locked inside.

## SECTION – B

5. Answer any **three** of the following : 20×3 = 60
- (a) "All contracts are agreements but all agreements are not contracts." Explain and illustrate.
  - (b) "A seller can not convey a better title to the buyer than he himself has." Discuss the rule and its exceptions if any.
  - (c) A, B and C carried on a business for profit but under very special conditions as to C, that C was to contribute neither labour nor money, and was not to receive any profit, but was to lend his name to the firm. Is C liable for the debts of the firm ? Explain and cite the provisions of law.
  - (d) D, a carrier, discovered that a consignment of tomatoes owned by E were badly damaged. Before the destination was reached, D sold the tomatoes for one-third of market price. E sued D for damages. Discuss the liability of D.
6. (a) "In a quasi-contract, the promise to pay is implied by law and is not based on any

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expressed agreement." Illustrate and explain. 30

- (b) P left his carriage on D's premises and D's landlord seized the carriage for non-payment of the rent. P paid the rent to obtain the release of his carriage. Could P recover this amount from D ? Refer to the provisions of law and explain. 30
7. (a) What is a 'Contract of Sale' ? Distinguish between a 'sale' and 'agreement to sell'. 30
- (b) The Government of Odisha issued a notification that all the farmers shall sell their surplus paddy at a fixed price to the government only. Discuss the validity and nature of transaction. 30
8. (a) What is a 'Partnership' ? What test would you apply for determining the existence of a Partnership ? 30
- (b) What is the effect of dissolution of a firm ? Under what circumstances the court can compulsorily dissolve the firm ? Discuss. 30



