



## **FACULTY OF JURIDICAL SCIENCES**

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Subject Name- Drafting, Pleading and conveyancing

**SUBJECT CODE- BAL-703**

**Course- BA LLB, VII Sem**

# **LECTURE 18**

## **12. Writ Petition**

1. petition under Article 32 of the Constitution relating to an infringement of a right in Part III of the Constitution in a civil case, other than habeas corpus is Writ Petition (Civil);
2. petition under Article 32 of the Constitution relating to a criminal matter, including habeas corpus is Writ Petition (Criminal);
3. petition under Article 32 of the Constitution of India relating to public interest litigation is Writ Petition (PIL). It may be either civil or criminal;
4. petition under Article 32 of the Constitution seeking transfer of a case relating to the State of Jammu and Kashmir is Writ Petition (Tr.). It may be either civil or criminal;

## **13. Any other case filed in Supreme Court not in above category**

Any other case filed in Supreme Court which does not fall under any of the above categories may be classified and registered in accordance with or under any other provision of law or orders of the Court or special or general orders of the Chief Justice passed in that behalf.

## **14. Review Petition**

A petition under Article 137 of the Constitution read with Order XLVII of the Supreme Court Rules 2013 is a Review Petition. It may be either civil or criminal.

## **15. Curative Petition**

A petition under Order XLVIII of the Supreme Court Rules 2013 shall is Curative Petition. It may be either civil or criminal.

## **General**

The cases arising out of the Terrorist and Disruptive Activities (Prevention) Act, 1987, or the Monopolies and Restrictive Trade Practices Act, 1969, or under any other law, which have since been repealed, have not been indicated in the Chapter though cases arising therefrom, prior to repeal, are pending consideration of the Supreme Court of India.

## MCQs-

i. Principle :Whoever, intending to take dishonestly any property out of the possession of another person, moves that property for such taking, is said to commit theft.

Facts: Suresh went into the house of his friend Ramesh to discuss some important matter. Since Ramesh was not at home, Suresh waited for him in the latter's drawing room. When Ramesh did not turn up, Suresh took out a pen from Ramesh's table and wrote down a message and went home. While going back, by force of habit, he just dropped the pen into the pocket. Subsequently, he forgot about it. Since the pen happened to be very valuable one, Ramesh complained to the police and the police traced the pen in Suresh's house. Is Suresh liable for theft?

- a. Suresh committed theft, because he took the pen without Ramesh's consent
- b. Suresh committed theft, because he failed to return the pen.
- c. Suresh did not commit theft, because he did not have dishonest intention
- d. Suresh is not liable for theft but for Criminal Breach of Trust.

ii. Principle: An occupier is liable to a trespasser in respect of some wilful act intended to cause harm or done with reckless disregard.

Facts: A farm house belonging to Narayan had its fencing electrified. The object was to ensure that the farm was secured from any wild animals in the vicinity. There was a clear warning about the electrified fencing. A cricket ball, hit from a nearby play ground, fell within the farm. Viren, a coach conducting a summer camp for school children, attempted to jump the fence to retrieve the ball and got injured on account of the electric shock. Viren filed a suit against Narayan for relief.

- a. Narayan will not be liable, because Viren was a trespasser.
- b. Narayan will not be liable, because he had given sufficient warning about electric fence
- c. Narayan will be liable, because he must have taken note of the adjacent playground
- d. none of the above

iii. whether anticipatory bail can be awarded in state of uttar pradesh.

- a. yes
- b. no
- c. partially yes
- d. partially no

iv. who is competent to award anticipatory bail ?

- a. supreme court
- b. high court and session court
- c. both
- d. none of above

v. what do you mean "anticipatory " under anticipatory bail

- a. apprehension of arrest
- b. apprehension of sentence
- c. apprehension of jail
- d. apprehension of warrant