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UNIVERSITY

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**FACULTY OF JURIDICAL
SCIENCES**

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SUBJECT NAME- LAW OF CRIMES

COURSE NAME- BBA LLB, Vth Sem
SUBJECT NAME- LAW OF CRIMES

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LECTURE-17

Section 34,109,114 and 149 of the Penal Code, provide for criminal liability viewed from different angles as regards actual participants, accessories and men actuated by a common intention: and the charge is a rolled up one involving direct liability and constructive liability without specifying who are directly liable and who are sought to be made constructively liable. Judicial officers in charge of administration of criminal justice and member of the legal profession should know the actual connotation and proper legal implication of the liability created under the above sections. Without comprehension of the actual legal implication of the different words and expressions used in those sections the proper administration of justice may inherently be hindered and the duties bestowed upon the persons responsible for administration for justice may be considered to have been discharged unjustifiably.

GENERAL EXCEPTIONS

The Criminal law covers various punishments which vary from case to case. But it is not always necessary that a person gets punished for a crime which he/she had committed. The Indian Penal Code (IPC), 1860 recognizes defences in Chapter IV under “General Exceptions”. Section 76 to 106 covers these defences which are based on the presumption that a person is not liable for the crime committed. These defences depend upon the circumstances prevailing at that point of time, mens rea of person and reasonability of action of that accused.

MCQs-

i. The defence of ‘consent’ is not available in cases of:

- A. consent to cause death
- B. consent to cause grievous hurt
- C. both (a) & (b)
- D. either (a) or (b).

ii. Operation of consent to all offences, short of causing death intentionally, has been extended under:

- A. section 88 of IPC
- B. section 90 of IPC
- C. section 91 of IPC
- D. section 87 of IPC.

iii. Under section 89 the consent in respect of infants under 12 years of age or persons of unsound mind:

- A. can be given by their guardians without any restriction
- B. can be given by the guardian subject to restrictions mutually agreed upon
- C. can be given by the guardians subject to restrictions imposed by law
- D. all the above

iv. The consent is not a valid consent under section 90:

- A. if given under a fear of injury or misconception of fact
- B. if given by a person of unsound mind
- C. if given by a child below 12 years of age
- D. all the above.

v. Consent given under compulsion arising out of threat of injury:

- A. excuses the causing of death
- B. excuses causing of any offence against the state punishable with death
- C. both (a) & (b)
- D. neither (a) nor (b).