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# SAFALTA CLASS™

An Initiative by **अमरउजाला**

# Question No: 1

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# Question No: 1

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## Principle:

**Whoever takes away with him any minor person less than sixteen years of age, if a male, or less than eighteen years of age, if a female out of the keeping of parents of such minor person without the consent of such parent, is said to kidnap such minor person.**

# Question No: 1

## Facts:

A female born on January 01, 1995 got admitted to an undergraduate program of a reputed University on July 01, 2012. She became friendly with one of the boys, born on June 01, 1994, of her class. The boy and the girl decided to marry. The parents of the boy agreed but the family of the girl did not agree. On December 15, 2012 the girl made a call from her Blackberry to the boy.

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The girl told the boy to come in his car at a particular place and time. The boy reached the stipulated place before the stipulated time. He waited there for about half an hour. The girl reached the stipulated place. She opened the door of the car and sat beside the boy who was on the driving seat. Without exchanging any pleasantries, the boy drove the car to an unknown place. The father of the girl lodged an FIR in the nearest police station on January 20, 2013.

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- (a) The boy has committed the offence of kidnapping**
- (b) The boy has not committed the offence of kidnapping.**
- (c) The boy has not committed the offence of kidnapping for there is a delay in filling the FIR**
- (d) The boy has not committed the offence of kidnapping because the girl was his classmate**

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# Question No: 2

## Principle:

**Whoever by words, either spoken or written brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India shall be punished.**

**However, comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence.**



# Question No:

## Facts:

A renowned Professor of Economics wrote a critical comment on the economic policies of the Government of India in a National Daily. This piece of writing generated academic debate not only in the print media but also on television and internet.

A student of law asked the fellow Indians on a social networking website to assemble at a particular place for peaceful and silent demonstration against the said economic policies on a stipulated date and time.

The crowd assembled at that venue and started shouting anti- government slogans. Police arrested the professor.

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- (a) The professor has committed the offence**
- (b) The professor has not committed any offence**
- (c) The student of law has committed the offence**
- (d) The crowd has committed an offence**

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# Question No: 3

## Principle:

**Whoever attempts to commit an offence punishable by the Indian Penal Code and in such attempt does any act towards the commission of the offence, shall be punished. Stealing is an offence punishable by the Indian Penal Code.**

## Facts:

**A makes an attempt to steal some jewels by braking open a box and after so opening the box, finds that there is no jewel in it**

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- (a) A has committed no offence**
- (b) A has committed the offence of stealing**
- (c) A has attempted to commit the offence of stealing**
- (d) None of the above**

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# Question No: 4

## Principle:

**Existence of all the alleged facts is relevant whether they occurred at the same time and place or at different times and places.**

## Facts:

**A, a permanent resident in a foreign country who never visited India, is accused of waging war against the Government of India by taking part in an armed insurrection in which property is destroyed, troops are attacked and prisons are broken open.**

# Question No:

- (a) The existence of all the above mentioned alleged facts is relevant**
- (b) Only the alleged fact that A is accused of waging war against the Government of India is relevant**
- (c) The fact that A was a permanent resident in a foreign country who never visited India is not relevant**
- (d) Only the alleged fact of taking part by A in armed insurrection is relevant.**



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# Question No: 5

## Principle:

**Whoever desires any court to give judgment about any legal right or liability which depends on the existence of those facts which he asserts, must prove that those facts exist.**

## Facts:

**A asserts that B, C and D have committed an offence of criminal conspiracy and therefore A desires a Court to give judgment that B, C and D shall be punished for that crime which A says B, C and D have committed.**

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- (a) A must prove that B, C and D have committed the crime**
- (b) B, C and D must prove that they have not committed the crime**
- (c) A must prove that B, C and D were present at the place of crime**
- (d) Police must prove that B, C and D have committed the crime**

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# Question No: 6

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## Principle:

**Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm and in good faith for the purpose of preventing or avoiding other harm to a person or property.**

## Facts:

**Mr. Sharman, the Italian captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself near the Kochi coast in such a position that before he can stop his vessel, he must inevitably run down a boat B with twenty or thirty passengers on board, unless he changes the course of his vessel, and that by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Whether Sharman has committed an offence?**

- (a) Sharman has committed no offence because this was done out of necessity**
- (b) Sharman can be held responsible for the act of criminal negligence**
- (c) Sharman can be held responsible for culpable homicide**
- (d) This is a clear case of accident so Sharman cannot be held responsible**

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# Question No: 7

## LEGAL PRINCIPLE:

Attempt is an act done with an intent to commit crime, and forming part of the series of acts which would constitute actual commission of the crime, if not interrupted.

## FACTUAL SITUATION:

A intending to murder B by poison purchases poison and mixes the same with a glass of water.

He gave to the bearer to serve B. The bearer while approaching B, loses the balance and the glass drops out of his tray.

## **DECISION:**

- (a) A has not committed any offence**
- (b) A has committed the offence of murder**
- (c) A has committed the offence of attempt to murder**
- (d) A has not committed an offence to murder because**

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# Question No: 8

## Principle:

**Where a person fraudulently or erroneously represents that he is authorised to transfer certain immovable property and professes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may acquire in such property at any time during which the contract of transfer subsists.**

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## Facts:

'A', a Hindu who has separated from his father 'B' sells to 'C' three fields, X, Y and Z representing that 'A' is authorised to transfer the same. Of these fields Z does not belong to 'A', it having been retained by 'B' on the partition; but on B's dying 'A' as successor obtains Z and at that time 'C' had not cancelled the contract of sale.

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- (a) 'A' can sell Z to a third party**
- (b) 'A' is not required to deliver Z to 'C'**
- (c) 'A' is required to deliver Z to 'C'**
- (d) None of the above statements**

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# Question No: 9

## Principle:

**A pact, other than a pact to commit suicide, to suffer any harm is not an offence, provided the age of the person who has given his consent to suffer harm is above eighteen years.**

## Facts:

**A enters into a pact with B, a boy of less than 18 years of age, to fence with each other for amusement. They agreed to suffer any harm which, in the course of such fencing, may be caused without foul play.**



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- (a) A, while playing fairly, hurts B, A commits no offence**
- (b) A, while playing only unfairly, hurts B, A commits an offence**
- (c) A, while playing fairly, hurts B, A commits an offence**
- (d) A, while playing unfairly, hurts B, A commits no offence**

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# Question No: 10

## Principle:

**Mere silence as to facts likely to affect the decision of a person to enter into a contract does not amount to fraud, unless his silence is in itself equivalent to speech.**

## Facts:

**A sells to B a horse which A knows to be of unsound mind. B says to A that if A does not say anything about the state of mind of horse, then B shall presume that the horse is of sound mind. A says nothing to B about the mental condition of horse**

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- (a) A has committed fraud**
- (b) A has committed misrepresentation**
- (c) There cannot be a fraud because A says nothing about the mental condition of the horse**
- (d) There cannot be a fraud because B did not ask A whether the horse is of sound mind**

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# Question No: 11

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## **LEGAL PRINCIPLE:**

**When at the desire of the promisor, the promisee has done or abstained from doing, or does or abstains from doing, or promises to do or abstain something, such an act or abstinence or promise is called consideration for the promise.**

## **FACTUAL SITUATION:**

**A daughter promises to give maintenance to her uncle in consideration of her mother making a gift of certain properties to her.**

**The daughter pleads lack of consideration when the uncle seeks to enforce the contract.**

**She says that the uncle is a stranger to the consideration and so he cannot enforce the contract. The daughter**

## DECISION:

- (a) Will succeed because uncle being a stranger to the consideration cannot enforce it**
- (b) Will not succeed because uncle is a near relative and in such cases consideration is not necessary**
- (c) Cannot succeed because consideration might from any person**
- (d) None of the above**



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# Question No: 12

## Principle:

**Strike is a collective stoppage of work by workmen undertaken in order to bring pressure upon those who depend on the sale or use of the products of work, whereas lock-out is a weapon in the hands of the employer, similar to that of strike in the armoury of workmen, used for compelling persons employed by him to accept his terms or conditions of or affecting employment.**

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**While in closure there is permanent closing down of a place of employment or part thereof, in lay-off an employer, who is willing to employ, fails or refuses or is unable to provide employment for reasons beyond his control.**

## Facts:

**Workmen of a textile factory went on strike as per law, demanding the payment of bonus. Employer of the factory refused to pay any extra allowances, including bonus and besides he closed down the factory till the strike was stopped.**

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- (a) Act of closing down the factory by the employer amounted to strike**
- (b) Act of closing down the factory by the employer amounted to lay-off**
- (c) Act of closing down the factory by the employer amounted to lock-out**
- (d) Act of closing down the factory by the employer amounted to closure**

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# Question No: 13

## Principle:

**Trade dispute means any dispute between employers and workmen or between workmen and workmen or between employers and employers which is connected with the employment or non-employment or the terms of employment or the conditions of labour, of any person.**

**Disputes connected with the non-employment must be understood to include a dispute connected with a dismissal, discharge, removal or retrenchment of a workman.**

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## Facts:

'X', an employee in a sugar factory, raised a dispute against 'Y', the employer, through trade union regarding certain matters connected with his suspension from the employment.



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- (a) Matters connected with suspension can amount to a trade dispute**
- (b) Matters connected with suspension cannot amount to a trade dispute.**
- (c) Only after dismissal, matters connected with suspension can amount to a trade dispute**
- (d) None of the above**

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