

2016

LAW - II

Time Allowed : 3 Hours

Full Marks : 200

If the questions attempted are in excess of the prescribed number, only the questions attempted first up to the prescribed number shall be valued and the remaining ones ignored.

Answers may be given either in English or in Bengali but all answers must be in one and the same language

GROUP - A

Answer Question No.1 and any three questions from the rest of this group.

1. Write short Notes on any four of the following :-
  - (a) Res ipsa Loquitur
  - (b) Valuable Security
  - (c) Malfeasance
  - (d) Fabricating false evidence
  - (e) Ineritable Accident
  - (f) Dishonestly.

5 x 4
2. (a) State the different kinds of Punishment that can be awarded under the Indian Penal Code, 1860. 10

(b) An accused person is found guilty of an offence of attempting to cheat. He has a previous conviction under section 379 I.P.C. Can he be sentenced enhanced Punishment under the Law ? 10
3. (a) Explain 'Kidnapping'. 8

(b) Make a distinction between 'Kidnapping from Lawful guardianship' and 'Abduction'. 12
4. (a) Explain 'Cheating by Personation'. 10

(b) A by falsely Pretending to be in the civil service intentionally deceives Z and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. Has A committed any offence, if so mention the Punishment ? 10
5. (a) Explain 'Damage' and 'damages'. 5

(b) Illustrate the different kinds of damages. 15
6. (a) What is 'False imprisonment' ? 10

(b) Make a distinction between 'Motive' and 'Intention'.  
A Person in order to save his children from starvation enters into another Person's kitchen and steals away a few loaves of bread. Find out the motive and intention of the Person. 5+5

GROUP - B

Answer Question No.7 and any three questions from the rest of the group.

7. Write short Notes on any four of the following :-
  - (a) Invitation to make an offer
  - (b) Supervening Impossibility in a Contract
  - (c) Consequences of Coercion on a Contract
  - (d) Gratuitous Bailment
  - (e) Partnership by Holding out
  - (f) Caveat emptor.

5 x 4
8. (a) What are the essential elements in a fraud which avoids Contracts ? 8

Can silence be fraudulent ? 4

(b) Make a distinction between 'Fraud' and 'Misrepresentation'. 8

9. (a) Define Partnership. Can a Partnership be created orally ? 6+4  
 (b) How does Partnership differ from Co-ownership ? 10
10. (a) Who is an Unpaid Seller of goods ? 5  
 (b) Point out the rights of an Unpaid Seller of goods. 15
11. (a) What is the Provision for creating a Contract of Agency ?  
 Can a Minor be an agent in a Contract of Agency ? 8+2  
 (b) Mention the modes for termination of Agency by operation of Law. 10
12. Answer the questions :-
- (a) A lends a horse, which he knows to be vicious to B. He does not disclose the fact that the horse is vicious. The horse runs away. B is thrown and injured. Is A responsible to pay any damages ? 10
- (b) P & Q were Partners of a firm. Q was appointed to buy sugar for the firm without the knowledge of P, he supplied his own sugar to the firm at the market price and made large profits.  
 Is Q bound to disclose it to the firm and make over the profits to the Firm ? 10

GROUP - C

Answer question No.13 and any one from the rest of the group.

13. Write short Notes on any four of the following :-
- (a) Fact in Issue  
 (b) Document  
 (c) Cross examination  
 (d) Accomplice  
 (e) Dying declaration  
 (f) Relevancy of character in Criminal Cases. 5 x 4
14. (a) What do you mean by 'Burden of Proof' ? 8  
 Is there any difference between 'Burden of Proof' and 'Onus of Proof' ? 7  
 (b) Explain with reasons on whom the burden of proof lies.  
 A accused of murder, alleges that by reason of unsoundness of mind he did not know the nature of the act. 5
15. (a) Explain 'May Presume', 'shall Presume' and 'Conclusive Proof'. 15  
 (b) Is Caricature a document ? 5

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