

NATIONAL LAW UNIVERSITY, DELHI
LL.M. (Professional), II -Semester (Batch of 2019)
Online Take Home Assessment- 2020
Paper: Criminal Procedure

Time: 6:00 Hours

Total Marks: 50

Instructions:

1. Mail your assignments only to **submissions.llmpro@nludelhi.ac.in**
 2. Attempt **ANY** two questions.
 3. No clarification shall be sought on the question paper.
 4. Each answer must not be more than 1500 words.
 5. **Mention only your Name, Roll No. and subject name on the First page. Start writing your answers from the second page only. Do not mention your name and roll no on any other page.**
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1. A) Critically examine the contribution of Lalita Kumari v. Govt of UP (2014 SC) and Arnesh Kumar v. State of Bihar (2014 SC) in the process of crime reporting and arrest. What are the remedies available against the police officer for refusing to register the FIR and for making illegal arrest? **(15 Marks)**

B) Examine the judicial decisions pertaining to duties of a Judicial Magistrate with respect to remand and default bail. **(10 Marks)**

2. A) In the light of Dharampal v. State of Haryana (2014) 3 SCC 306 and Hardeep Singh v. State of Punjab (2014) 3 SCC 92, critically examine the powers of the Sessions Court under Section 193 CrPC taking cognizance of a case committed to it by the Magistrate. **(15 Marks)**

B) What is “complaint”? What procedure is to be followed by a Magistrate on receiving a complaint? **(10 Marks)**

3. Three neighbours attending a mutual acquaintance’s wedding get drunk. Each takes the same route home but 15 minutes after the one before them. The first drives home without incident except that a police officer happens to pull him over right next to his home on a random check and arrests him for drunk driving. Shortly after, the first man is arrested, it begins to rain. The second drives home but skids off the wet road during a sharp corner into a telephone pole where police find him and arrest him for drunk driving. The third drives home and skids at the same wet sharp corner but due to bad luck or timing hits a family of four head on, who are killed. The third man is arrested for drunk driving and under Section(s) 304A and 279 of Indian Penal Code for causing death by negligence.

You, as the judge presiding over these three cases, are assigned to determine the deserved punishments for each of the men. Should the sentence for each of the three be the same as all of them intended to drive home drunk but only due to rain and bad timing the results of each drunken driving attempt varied widely. **(10 Marks)**

What is the deserved punishment for each of them? Answer in light of the aggravating and mitigating circumstances and aim of sentencing policy to strike a balance between deterrence of crime and scope for reformation of the offender in the civil society. **(15 Marks)**