

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

Time: 6:00 Hours

Total Marks: 50

Instructions:

1. Mail your assignments only to **submissions.llmpro@nludelhi.ac.in**
 2. All questions are compulsory.
 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. Speaking generally, 'culpable homicide' sans 'special characteristics of murder' is 'culpable homicide not amounting to murder'. In the light of the statement given, elucidate the difference between the 'culpable homicide' and 'murder'. **(15 Marks)**

2. Examine the following principles pertaining to right of private defence: (15 Marks)

- i) The right of private defence commences as soon as a reasonable apprehension arises and it is co-terminus with the duration of such apprehension.
- ii) It is unrealistic to expect a person under assault to modulate his defence step by step with any arithmetical exactitude.
- iii) In private defence the force used by the accused ought not to be wholly disproportionate or much greater than necessary for protection of the person or property.

3.

A) What is Strict Liability? Is it desirable for courts to incorporate the common law doctrine of *mens rea* even where the legislature has omitted to mention it? **(10 Marks)**

B) (i) Point out the differences between offence of Theft and Extortion. **(5 Marks)**

(ii) 'X' purchased some goods from an online e-commerce website by making online payment for the goods purchased. The goods were delivered to 'X'. After few days 'X' received a message that the merchant, from which 'X' has bought the goods, has reversed payment of rupees 20,000 to X's bank account. 'X' knew that neither he initiated return request for any of the goods from the said order nor he requested for refund of any amount. 'X' did not inform the merchant about the sum of rupees 20,000 being credited to his bank account. 'X' did not even use the money and it remained in his bank account. Decide the criminal liability of 'X', if any.

(5 Marks)