JULY, 2023 ISSUE 10

The Crime & Justice Gazette

NEWSLETTER BY GNLU CENTRE FOR RESEARCH IN CRIMINAL JUSTICE SCIENCES

"The Stories of the Big Tycoons turned Fraudsters:
The King of Good Times- Vijay Mallya
Diamonds aren't Forever- Nirav Modi
The world's biggest family- Subrata Roy"

- Bad Boys Billionaires

"that the police had the authority to conduct additional investigations. At the same time, the investigating agency cannot be allowed to file the police report under the guise of further investigation in order to undermine the right to statutory bail."

- Delhi High Court

Image Source: Orange County Register

Section 124A needs to be retained in the Indian Penal Code, though certain amendments, as suggested, may be introduced in it by incorporating the ratio decidendi of Kedar Nath Singh v. State of Bihar
- 279th Law Commission Report

MESSAGE FROM THE CENTRE-HEAD

May the human souls keep on enlightening themselves through knowledge and experience.

It is my utmost pleasure to write this message in the tenth edition of the Crime and Justice Gazette, a newsletter by the GNLU Centre for Research in Criminal Justice Sciences. Truth, courage & bravery, these qualities stand must for every criminal case that is to be instituted, investigated and tried.

Our Hon'ble Director Sir, Prof Dr. S. Shanthakumar, who laid the foundation of this centre, in September 2019, made its mandate clear that GCRCJS should bring out study, research, and training in every aspect of criminal justice and the present Newsletter, is one step ahead in the same direction.

This is the result of the hard work of our student team, which has infinite zeal and never-ending motivation. I wish the team every success and also hope that this newsletter will fill the gap of information in the field of criminal laws for its readers. My best wishes to the graduating student convener (Ashika), who has made this newsletter a reality, to the editors, to every team member as contributors, and every reader, who will let us know improvements and enable further excellence in this endeavor.

Dr. Anjani Singh Tomar

WORDS FROM THE OUT GOING CONVENOR

In the academic year 2022-23, the Centre has conducted a myriad of activities, ranging from active discourses on contemporary topics to organising webinars, conferences, and capacity building sessions.The centre has been successful in facilitating active engagement of the students with the stalwarts of the profession, like Ms. Rebecca John, Senior Advocate, and Hon'ble Justice Gita Gopi, Gujarat High Court, among others. In addition to criminology, the Centre has cultivated a diverse and inclusive culture by undertaking awareness sessions on issues like female genital mutilation and environment conservation.

These activities have enabled us to broaden our horizons not just in the domain research and academia, but have also exposed the members to diverse thoughts, life skills, and learning opportunities.

Under the guidance of our Centre Convener and mentor Dr. Anjani Singh Tomar ma'am, and faculty member Dr. Saira Gori ma'am, the Centre has yet again inched closer to achieving its objective of stimulating young minds in the direction of concrete research and analysis of niche issues concerning the criminal justice system. I am positive that with the blessings of our mentors, the GCRCJS team will drive the centre towards the zenith of excellence. I take this opportunity to congratulate all the centre members, and active participants who have fuelled our growth in the last academic year. I am sure that the new leadership will likely raise the bar of success higher in the coming time.

Ashika Jain

MESSAGE FROM THE TEAM

The GNLU Centre for Research in Criminal Justice Sciences, ever since its inception, is making continuous efforts to improve the culture of Research and Analysis in the field of Criminal Law and Justice System. The Centre has been reaching new heights since its inception. In the said time, we have managed to successfully conduct one National Essay Writing Competition; a National Legislation Drafting Competition; a Certificate Course on Cyber Crime, Cyber Forensics and Law (in collaboration with National Forensic Sciences University, Gandhinagar and Police Academia Interactive Forum); first of its kind-Police Image Building Workshop; twelve sessions of "Crime & Justice: A Discourse Series" on some of the pertinent topics having great contemporary relevance; several research posts for our Instagram page. The Centre provides a platform for a holistic research environment and aims to further knowledge and academic discussions about the multifaceted dimensions of criminal science.

GNLU Centre for Research in Criminal Justice Sciences is committed to achieving a goal of motivating law students to do research, especially in criminal law. And, for the same here we are with the tenth edition of our newsletter 'The Crime & Justice Gazette' which aims to cover contemporary developments as well as criminal law cases and events from the past.

We would like to express our heartfelt gratitude to our Hon'ble Director Sir, Prof Dr. S. Shanthakumar, for his unwavering support, as well as our Faculty Convenor, Dr. Anjani Singh Tomar, for believing in us and encouraging us to pursue our research in every possible direction.

Disclaimer

The authors' opinions expressed in the newsletter are their own, and neither GCRCJS nor GNLU is responsible for them. The case briefs solely summarise the current state of the cases' verdicts or orders, and do not cover anything with respect to future proceedings or appeals. The newsletter is only for internal circulation in GNLU and will be available only on the GCRCJS official webpage at a later date.

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Criminal law is a dynamic study of law that undergoes development at every curve of dawn. This newsletter attempts to encapsulate the recent advancements in criminal law through various judgements, articles and reviews.

To begin with, the news reporters of the centre have presented a well-crafted brief of events and judgements in the criminal law field in India in the recent past. The writers of the centre have penned down their deep research on unique topics in this field, providing a well-drafted mouthpiece on the 'Need of a Bail Law' and 'Animal Protection Laws' in India. Furthermore, the entertainment reporter has analysed a much-talked series from the angle of criminal law and shared his reviews on the game of riches & frauds in 'Bad Boys Billionaire'. The fun doesn't stop there as there's also a mind-boggling wordsearch on criminal law followed by an engaging criminal law quiz, going back to days of CLAT preparation; all for you to solve! Last but not the least, don't forget to check your answers from the last edition's continuous word search game!

Happy Reading!

ACTIONS IN THE CRIMINAL LAW ARENA

JAY PATIL

THE LAW AROUND RAHUL GANDHI'S SUSPENSION AS AN MP

In March, MP Rahul Gandhi was sentenced to a two-year prison term by a Surat court for criminal defamation following a complaint filed by BJP MLA Purnesh Modi. The complaint arose from Rahul Gandhi's remarks about individuals with the surname "Modi" being thieves. As a result of his conviction, Rahul Gandhi was also disqualified from his position as a Member of Parliament in accordance with Article 102(1)(e) of the Indian Constitution and Section 8 of the Representation of People Act, 1951. This issue brought to light an important facet of Indian criminal law jurisprudence, which is the difference between suspension of sentence and suspension of conviction. Although the Code of Criminal Procedure, 1973 (CrPC) does not explicitly address the suspension of conviction, it also does not prohibit such suspension. Consequently, the courts have the authority to determine under what circumstances an appellate court may suspend a conviction. Simply put, the suspension of a sentence occurs when a court finds an individual guilty of a crime and imposes a sentence.

Image Source: Hindustan Times

Image Source: Telegraph India

However, if the convicted person files an appeal, the execution of the sentence is temporarily postponed, and they may be released on bail. This means that the convicted person is not immediately required to serve the sentence, and its implementation is put on hold until the appeal against the conviction is finally resolved. On the other hand, the suspension of conviction goes beyond merely suspending the sentence. In this case, the court not only suspends the sentence but also puts the conviction order on hold. In practical terms, this implies that the convict will not face any additional consequences until the appeal is finally disposed of.

The Supreme Court in the case of *Jalal Ahmed Mazumdar v. State of Assam* on 12 December 2007 elucidated on the difference between the two reliefs held:

"22. What crystallizes from the above discussion is that an order of conviction and/or sentence can be suspended by every appellate court, including the High Court, under Section 389(1) Cr.P.C. provided that the facts of a given case so warrant. However, suspension of the sentence is not equivalent to suspension of conviction. While the suspension of sentence permits liberty of physical movement to an appellant subject to such conditions as the appellate court may impose, suspension of the order of conviction removes the constraints arising out of the order of conviction. Hence, it is only in rare cases and in exceptional and compelling circumstances that the court may, by recording convincing reasons, suspend an order of conviction".

(Emphasis supplied)

GLOBAL TERRORISM INDEX 2023

India is positioned at the 13th spot on The Global Terrorism Index (GTI). According to the report, Afghanistan retains its position as the country most impacted by terrorism for the fourth consecutive year, despite a decrease in attacks and fatalities.

The GTI report is created by the Institute for Economics & Peace (IEP), a think tank that utilizes data from sources such as Terrorism Tracker. Terrorism Tracker maintains a record of terrorist incidents since January 1, 2007, encompassing nearly 66,000 such incidents spanning from 2007 to 2022. Globally, the number of deaths resulting from terrorism decreased by 9%, totaling 6,701 deaths, which represents a 38% decline from its peak in 2015. In 2022, Pakistan witnessed the second-highest increase in terrorism-related deaths globally, with a significant toll of 643 deaths. South Asia remains the region with the highest average GTI score, recording 1,354 deaths from terrorism in 2022. For the eighth consecutive year, the Islamic State (IS) and its affiliates were identified as the most lethal terrorist group worldwide, carrying out the highest number of attacks and causing the greatest number of deaths in 2022.

GOVERNMENT SETS UP COMMITTEE TO REVAMP CRIMINAL LAWS

The central government, in consultation with various stakeholders, has initiated the process of comprehensively amending criminal laws, including the Indian Penal Code 1860, Code of Criminal Procedure 1973, and Indian Evidence Act 1872. A committee, headed by the Vice Chancellor of National Law University, Delhi, was formed to propose reforms to these laws in year 2020 which is progress. The Ministry of Home Affairs has invited suggestions from Governors, Chief Ministers, Lieutenant Governors, Chief Justice of India, Chief Justices of High Courts, Bar Councils, universities, law institutes, and Members of Parliament regarding the amendments. The government is dedicated to enacting comprehensive legislation based on the committee's recommendations and input from all stakeholders. However, given the diverse range of opinions, the legislative process is complex and time-consuming, and no specific timeframe can be provided for its completion.

WHAT'S NEXT WITH SEDITION LAW IN INDIA?

On May 11, 2022, the Supreme Court of India suspended the sedition law (Section 124A IPC) while the Indian government reevaluated the necessity of this law inherited from the colonial era. The latest development in this matter is that the Law Commission of India has released its 279th Report, which recommends retaining the provision for Sedition under Section 124A of the Indian Penal Code, 1860. According to Section 124A, sedition is defined as **attempting to incite disaffection against the legally established government.** This provision has faced extensive criticism for being used to suppress dissent. The release of the report follows a year-long suspension of all sedition-related proceedings and the filing of new cases as ordered by the Supreme Court. The Court had granted the Indian government time to reexamine the law and reconsider its application in the case of *S.G. Vombatkere v. Union of India (2022).*

The law commission report has justified retaining the law on largely five aspects: First, protecting national security from radical, anti-national, and secessionist elements is deemed necessary, considering the role of social media and adversarial foreign powers in propagating such thoughts. Second, the sedition law is seen as a "reasonable restriction" on the fundamental right of speech and expression, with the aim of maintaining public order and preventing incitement to criminal offenses.

Image Source: LiveLaw

Third, the Sedition law is considered a traditional penal mechanism to address terrorism, and its existence is justified even alongside other counterterrorism and security laws. Fourth, the report argues that the sedition law should not be struck down solely based on its colonial legacy, citing other retained colonial legacies like the Police Forces and All India Civil Services. Fifth, countries that have invalidated sedition laws have incorporated alternative provisions within their treason and counter-terrorism legislations.

REACTION ACROSS THE LEGAL SPECTRUM

The Central Government promptly disassociated itself from the Law Commission's recommendation to maintain sedition as a criminal offense. It stressed that the viewpoint expressed by the Law Commission does not hold binding authority over the government, which intends to make a final decision after consulting all relevant stakeholders. Senior Advocate Rebecca John remarked: “A historic opportunity to right a wrong has been missed.” Senior Advocate Sanjay Hegde stated: “Sedition law reinforces a system of rulers by divine rights, liable to be struck down.

RECENT VERDICTS FROM THE COURTS OF LAW IN THE CRIMINAL LAW ARENA

KAVYA TOMAR AND SAHIL KRIPALANI

KAMAL SINGH V. STATE OF U.P.

Criminal Appeal No. - 1496 of 1995
In the High Court of Juicature at Allahbad, Lucknow Bench

"Use Of Lethal Weapon Sufficient to Constitute Offence U/S 307 IPC If Attempt to Cause Injury Is Made with Intention to Murder"

Section 307 & Section 506 of Indian Penal Code,1860;

The Allahabad High Court has observed that the mere use of a lethal weapon is sufficient to invoke the provisions of Section 307 of the Indian Penal Code,1860 and that it is not necessary to constitute the offence that the attack should result in an injury. “An attempt is itself sufficient if there is requisite intention. An intention to murder can be gathered from circumstances other than the existence or nature of the injury,” the bench of Justice Surendra Singh-I held.

The bench upheld the conviction of accused-Kamal Singh in connection with a 32-year-old attempt to murder case. The Court, however, reduced the period of sentence awarded to him by Additional Sessions Judge, Mathura in 1992, from three years to two years rigorous imprisonment without modifying the fine imposed on him.

The prosecution’s story is that the informant Shiv Singh submitted a written report on July 21, 1990 to the effect that he was a witness in the case relating to the murder of one Sohan Singh, and that residents of his village had threatened him with death if he gave any evidence against them. He stated that in the intervening night of 20/21.07.1990, he was conversing with Rohan Singh when the accused came on the terrace and threatened him. Upon this, the informant promised to give evidence of the facts he had seen. Subsequent, to this the accused Ratan Singh exhorted his sons Kamal Singh and Bharat Singh fire on the informant, and the appellants, with the intention of causing death, fired two-gun shots on him. Kamal Singh was convicted under Sections 307 & 506 IPC and sentenced to three years rigorous imprisonment. He challenged the said order and the judgment moving to the High Court.

The Court noted that to justify a conviction under Section 307 IPC, it is not essential that bodily

injury capable of causing death should have been inflicted. The Court further noted that the intention of the accused may be deduced from other circumstances, and may even be ascertained without any reference to the actual wounds. The Court observed "that a country-made pistol is a lethal weapon and it can cause fatal injuries. Appellant-accused Kamal Singh and co-accused Bharat Singh fired on Shiv Singh and Rohan Singh with a country-made pistol, causing them injury one on their forehead and chest, respectively. The prosecution was able to prove beyond reasonable doubt that the accused-appellant had the intention to cause death, and the Trial Court rightly convicted the appellant-accused under Section 307 IPC." However, the period of sentence awarded to the appellant-accused was reduced from three years to two years rigorous imprisonment due to the fact that more than 32 years had passed since the offence was committed and the prosecution had not produced any criminal history of the appellant-accused.

Image Source: India Legal

CENTRAL BUREAU OF INVESTIGATION V. KAPIL WADHAWAN & ANR.

In the High Court of Delhi

"*Investigating Agency Can't Defeat the Right to Statutory Bail by Filing Police Report Without the Completion of Investigation.*"

Section 167(2), Section 173 & Section 482 of the Code of Criminal Procedure Code, 1973; Article 21 of the Indian Constitution.

The Delhi High Court has ruled in a notable, reasonable, landmark, and recent judgement titled & Central Bureau of Investigation v. Kapil Wadhawan & Anr to hold unambiguously that an accused's right to statutory bail cannot be defeated simply because a police report has been filed by the investigating agency, even when investigation in the concerned case is ongoing. **The Hon'ble Mr Justice Dinesh Kumar Sharma's Single Judge Bench stated categorically** *"that the police had the authority to conduct additional investigations. At the same time, the investigating agency cannot be allowed to file the police report under the guise of further investigation in order to undermine the right to statutory bail."* The underlying idea is that the charge sheet must be filed upon completion of the inquiry in order to fulfil the mandate under Section 167 of the Code of Criminal Procedure,1973. **The observations were made by the court while dismissing the CBI's petition challenging the trial court's order granted default bail to former Dewan Housing Finance Corporation Limited (DHFL) promoters Kapil Wadhawan and his brother Dheeraj in the alleged bank loan fraud case.** The observations were:

"The question to be considered is whether the material evidence presented by the CBI against the current respondents/accused persons is sufficient to conduct the trial in respect of the offenses alleged against him. The claimed offences against the accused are both serious and significant. This Court believes that the material gathered by the investigative agency thus far is insufficient. Rather, if this report is seen as a comprehensive investigation into the accused persons, the investigating agency will suffer greatly."

The Delhi High Court has upheld the default bail granted by the trial court to former Dewan Housing Finance Corporation Limited (DHFL) promoters, Kapil Wadhawan and his brother Dheeraj in a CBI probe alleging that the two, along with others, entered into a "criminal conspiracy" to cheat and induce a consortium of 17 banks led by Union Bank of India (UBI) to sanction huge loans aggregating to Rs 42,000 crore approximately.

A single-judge bench of Justice Dinesh Kumar Sharma dismissed the plea moved by the CBI seeking cancellation of the default bail granted to

the Wadhawan brothers on December 3, 2022, by the special court. The judge also said that the chargesheet filed by the investigating agency was incomplete and terming it as a "final report" on investigation to deny statutory bail to the accused would be against the law and the Constitution. This court was of the considered opinion that the charge sheet filed by the CBI in the present case was an incomplete/piecemeal charge sheet and terming the same as a final report under section 173 (2) Cr.P.C. merely to ruse the statutory and fundamental right of default bail to the accused shall negate the provision of Section 167 Cr.P.C and will also be against the mandate of Article 21 of the Constitution of India.

Image Source: Delhi High Court

GUDDU VERMA V. STATE OF UP

In the High Court of Judicature at Allahabad

Section 106 Evidence Act Not Attracted Unless Prosecution Prima Facie Discharges The Initial Burden of Establishing The Guilt of The Accused

Section 201 & Section 320/34 of the Indian Penal Code, 1860;
Section 106 in The Indian Evidence Act, 1872;

The Allahabad High Court has ruled that Section 106 of the Indian Evidence Act cannot be invoked in a case unless the prosecution has discharged the primary burden of demonstrating the guilt of the accused.
The bench of Justices Kaushal Jayendra Thaker and Shiv Shanker Prasad made the said observation while hearing an appeal filed by one Guddu Verma, who, in 2016, was convicted for (supposedly) murdering his wife in April 1998 by the trial court.

Brief facts of the case are hereby mentioned: Guddu Verma, the appellant, was accused of murdering his wife (Sangeeta) on the night of April 12/13, 1998, in collusion with Smt. Partapi Devi (who died during the trial), by inflicting injuries on her at their home in execution of their shared objective. It was also claimed that in order to avoid the crime of murder, they attempted to make the stated murder appear to be a suicide by tying a rope around her neck. The trial court noted in its judgment that the deceased was murdered in the accused's home, and the accused was unable to disclose the exact cause and manner in which the deceased could commit suicide because the burden of explanation was on them under Section 106 of the Evidence Act 1872, and thus the trial court concluded that not saying anything about it indicated that the deceased was killed solely by them.

Image Source: Bar and Bench

Appellant Guddu Verma moved to the High Court to challenge the trial court's findings, arguing that the prosecution's case was based on circumstantial evidence in which the accused-appellant was implicated only on suspicion and that no evidence existed to hold him guilty. The state's lawyer, on the other hand, maintained that there was conclusive evidence to support the prosecution's case. The Government Advocate also contended that because the incident occurred at the accused's home, he was required to discharge the burden of proof under Section 106 of the Evidence Act as to the circumstances under which the deceased died, which he failed to do,

and thus the Trial Court correctly returned the finding of conviction.

The High Court noted that it was a case of circumstantial evidence because all of the prosecution witnesses were hearsay and no one had witnessed the incident with their own eyes. **The Court also noted that the prosecution relied heavily on the accused's motive, which is considered a weak and unreliable piece of evidence, and that the chain of events in the case, which is required to be completed by the prosecution, was left incomplete in the case.** With respect to the medical evidence presented in the case, the Court stated that while the deceased's death was homicidal due to injuries to her head and face, the accused cannot be convicted solely on the testimony of the interested and hearsay witnesses, as well as an incomplete chain of circumstantial evidence. In this case no one saw the accused-appleant and his mother (died) kill the deceased.

With respect to the inference drawn by the trial court against the accused under Section 106 of the Indian Evidence Act, The Court ruled unequivocally that the provisions of Section 106 of the Indian Evidence Act did not apply to the facts of the instant case because the prosecution had not fulfilled the initial burden of demonstrating that the accused-appellant had murdered his wife. In light of this, and after concluding that the prosecution had failed to discharge its initial burden of proving the accused-appellant's guilt beyond a reasonable doubt, the Court set aside the judgement and order of conviction and ordered the accused's release, who had been imprisoned since April 13, 2016.

Image Source: Hindustan Times

JITENDRA NATH MISHRA V. STATE OF U. P. & ANR.,

Criminal Appeal No. 978 of 2022
In the Hon'ble Supreme Court of India

Section 319, CrPC: A person who is not named in First Information Report can be arraigned as an accused if there exists sufficient evidence of his involvement in the crime"
"Sections 419, 420, 323, 406 and 506 of IPC 3(1)(r) & (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The accused and an "unknown person" allegedly assaulted & abused the complainant's wife. After, completion of the investigation the charge sheet showed that the accused was solely responsible for the crime. Further, the Special court after taking cognizance of the offence framed charges against the accused. However, during the trial the complainant along with his wife stated that accused and the Appellant together with an unknown person assaulted them. The special court then summoned the appellant. This order of the special court was hence, challenged in Allahabad High Court which further upheld the special court's order. Therefore, the appellant challenged the order of Allahabad HC.

The court comprising of a division bench of Justice Dipankar Datta and Justice Pankaj Mithal while relying on Hardeep Singh v. State of Punjab, (2014) 3 SCC 92 stated that prima facie there is no contradiction regarding the inclusion of the accused's brother in the case. The FIR does mention the brother's involvement in the assault and abuse of the complainant, and it is not the first time this information is being presented in court. Although the appellant (the person appealing the case) was not specifically named in the FIR, it should not be considered decisive. Given that the appellant is the accused's sibling and is mentioned as one of the

assailants, there is sufficient material to satisfy the requirements for taking action under Section 319 of the Criminal Procedure Code. The order can be passed based on the satisfaction indicated in paragraph 106 of the decision in the Hardeep Singh case.

Therefore, the Supreme Court upheld the decision of the Allahabad High Court and dismissed the appeal while holding that the special court formed the requisite satisfaction prior to summoning the appellant to face the trial along with the accused.

Image Source: ThoughtCo

PRAKASH NISHAD @ KEWAT ZINAK NISHAD V. STATE OF MAHARASHTRA

Criminal Appeal No.s 1636-1637 of 2023 (Arising out of SLP(Crl.) Nos.11009-11010/2015)

In the Hon'ble Supreme Court of India

Section 53 A CrPC: Samples which are collected from the accused shall be sent to laboratory for examination as soon as possible since there exists a risk of contamination of the samples. Further the "chain of custody" of samples must be maintained.
Section 376, Section 377, Section 302 and Section 201 of IPC.

The appellant was charged for the abovementioned provisions of IPC. It was further alleged that as an attempt to destroy the evidence, the appellant threw the deceased girl into a drain and concealed the material evidence of the crime. The court convicted the convicted the appellant and imposed a death sentence on them which was further reaffirmed by the High Court of Bombay.
The court comprising of Justice B.R. Gavai, Justice Vikram Nath and Justice Sanjay Karol stated that as per the evidence on record, the samples of blood and semen were sent for forensics, but there was nothing on record which suggested the date of taking of samples and on the number of occasions on which it was collected and why all of the samples were not sent at once. Further none of the police officers provided a testament of the fact of safekeeping of the samples.

The court observed that "There is only one document (Ext.79) on record, indicating the appellant to have been medically examined. But even this document does not reveal sample of the body part being drawn. In any event, the doctor who conducted such examination, has not stepped into the witness box to testify the correctness of the contents thereof.

Also the document itself is uninspiring confidence as we notice certain interpolations therein and in a different hand. Additionally, the document does not fall true to the statutory requirements imposed under Section 53A CrPC.".

The court while relying upon its decisions in *Krishan Kumar Malik v. State of Haryana (2011) 7 SCC 130* and *Rajendra Prahladrao Wasnik v. State of Maharashtra (2019) 12 SCC 460* observed that "As has been hitherto observed, there is no clarity of who took the samples of the appellant. In any event, record reveals that one set of samples taken on 14.6.2010 were sent for chemical analysis on 16.6.2010 and the second sample taken, a month later on 20.7.2010 is sent the very same day. Why there exist these differing degrees of promptitude in respect of similar, if not the same-natured scientific evidence, is unexplained"

The court while relying upon the Guidelines for collection, storage and transportation of Crime Scene DNA samples For Investigating Officers- Central Forensic Science Laboratory Directorate Of Forensic Sciences Services Ministry Of Home Affairs, Govt. Of India held that "Indisputably, these 'without any delay' and 'chain of custody' aspects which are indispensable to the vitality of such evidence, were not complied with. In such a situation, this court cannot hold the DNA Report Ext.85 to be so dependable as to send someone to the gallows on this basis"

Therefore, the court set the appellant at liberty by setting aside the conviction and sentences of death penalty and life imprisonment which was imposed upon the appellant.

A. SRINIVASULU V. THE STATE REP. BY THE INSPECTOR OF POLICE

Criminal Appeal No. 2417 of 2010

In the Hon'ble Supreme Court of India

Section 197 CrPC: The sanction for prosecution as per Section 197(1) of the Code of Criminal Procedure is required even in cases where the official was acting in excess of his official duties.
Section 197 CrPC,
Section 120B, 420, 468, and 471 of IPC, Section 13(2) read with Section 13(1)(d) of the Prevention Of Corruption Act

The facts of the case are hereby mentioned: Seven people of a PSU were accused of the above-mentioned provisions by CBI. Two of the accused's died. By, a special CBI court, apart from Appeallant-2 ("A-2" hereinafter) A-2, the other four, i.e., Appeallant-1 ("A-1" hereinafter)A-1, Appeallant-3 ("A-3" hereinafter) A-3, Appeallant-4 ("A-4 " hereinafter)A-4 and Appeallant-7 ("A-7" hereinafter) A-7 were convicted, they filed an appeal before the Hon'ble Madras High Court which upheld the conviction. During the course of the appeal A-3 died, therefore a fresh appeal was filed before the Hon'ble Supreme Court.

The bench comprising of Justices V Ramasubramanian and Pankaj Mithal relying on *D. Devaraja v. Owais Sabeer Hussain*, held that "For the purpose of finding out whether A-1 acted or purported to act in the discharge of his official duty, it is enough for us to see whether he could take cover, rightly or wrongly, under any existing policy. Paragraph 4.2.1 of the existing policy extracted above shows that A-1 at least had an arguable case, in defence of the decision he took to go in for Restricted Tender. Once this is clear, his act, even if alleged to be lacking in bona fides or in pursuance of a conspiracy, would be an act in the discharge of his official duty, making the case come within the parameters of Section 197(1) of the Code. Therefore, the prosecution ought to have obtained previous sanction. The special court as well as the High Court did not apply their mind to this aspect."

Further the court distinguished the judgement in *Parkash Singh Badal v. State of Punjab, (2007) 1 SCC 1*, by observing that " The observations contained in paragraph 50 of the decision in Parkash Singh Badal (supra) are too general in nature and cannot be regarded as the ratio flowing out of the said case. If by their very nature, the offences under sections 420, 468, 471 and 120B cannot be regarded as having been committed by a public servant while acting or purporting to act in the discharge of official duty, the same logic would apply with much more vigour in the case of offences under the PC Act. Section 197 of the Code does not carve out any group of offences that will fall outside its purview. Therefore, the observations contained in para 50 of the decision in Parkash Singh Badal cannot be taken as carving out an exception judicially, to a statutory prescription. In fact, Parkash Singh Badal cites with approval the other decisions (authored by the very same learned

Judge) where this Court made a distinction between an act, though in excess of the duty, was reasonably connected with the discharge of official duty and an act which was merely a cloak for doing the objectionable act."

The allegations were made against the first accused, who was accused of being involved in a criminal conspiracy with others to commit certain offenses. However, the Management of BHEL (Bharat Heavy Electricals Limited) twice refused to grant sanction for prosecuting the other two public servants involved, citing that their decisions were within the realm of the company's commercial wisdom.

The argument put forth is that if the Management of BHEL deemed the actions of the co-conspirators as falling within the scope of employment, it is inconceivable that the actions of the first accused, who was also part of the same criminal conspiracy, would fall outside the scope of his public duty. Consequently, it would be unjust to disentitle him from the protection provided under Section 197(1) of the Code of Criminal Procedure.

In other words, if the Management considered the actions of the co-conspirators as part of their official duties, it implies that the first accused's actions should also be considered as part of his official duties. Therefore, the Supreme Court on account of the above-mentioned reasoning held that the first accused should be entitled to the protection under Section 197(1) of the Code of Criminal Procedure, which provides protection to public servants for acts done in the discharge of their official duties.

Image Source: VectorStock

TAKING BAIL SERIOUSLY: THE NEED FOR A BAIL LAW IN INDIA

AARYAN DWIVEDI

"We should be aware that a key component of our constitutional mandate is personal liberty. When a custodial investigation is required, a horrible crime is committed, there is a chance of influencing the witnesses, or an accused person may flee, only then there is a case to make an arrest."

- Justice Sanjay Kishan Kaul, Judge Supreme Court of India

INTRODUCTION

Highlighting the lacunae in the rules for the grant of bail in India, the Apex Court, in the case of *Satender Kumar Antil v. Central Bureau of Investigation*, pushed for creating a bail law in the nation to simplify the process of setting bail. Alluding to bail regulation laws in countries like the United Kingdom, the bench emphasized the need for a comparative establishment of a bail law in India.

According to a report published in 2020 by National Crimes Bureau, there are 4,88,511 detainees in the 1,300 jails in India, contributing to 118% occupancy in the prisons in India. The Law Commission, in its 268th report, noted that in comparison to the global median of undertrials in the world, which is

Image Source:Journals of India

27%, India has a total of 67% prison population who are undertrials. This makes the need for restructuring the law on bail exceedingly pressing. The present article focuses on the need of having a bail law in India. It further outlines conditions that should be looked into while framing a dedicated bail law and lastly also marks a comparison with foreign jurisprudence.

THE STATE OF BAIL IN INDIA

Bail is not defined explicitly, but specific provisions of the Code of Criminal Procedure, 1973 contain references. One of the largest issues we now have is the backlog of bail applications, which denies thousands of innocent people their freedom. Many of these people are both journalists and activists at the same time. Other small children are occasionally included in them. This also applies to people who remain in jail or prison notwithstanding a court ruling that they are innocent.

Applying the bail rules in the trial courts, referred to as the "guardian angels of liberty" by the Apex court in the *Satender Kumar Antil case*, is another crucial issue. However, how far the trial courts are protecting these rights is debatable. The district courts often reject the bail on vague grounds. This results in the superior courts being overburdened with bail applications. The Supreme Court and the High Court's principal responsibility is to deal with constitutional issues, not bail problems. Regrettably, this isn't happening. Another frequent occurrence is the growing ease with which those from healthy, meaningful, and powerful backgrounds can apply for bail. At the same time, the poor and marginalized are routinely denied, which amounts to the rejection of justice and human dignity. In places where millions out of the population falls below the poverty line, money frequently determines between personal freedom and prison. This might be fundamentally unfair.

The *Aryan Khan case* clearly illustrates the unfairness brought on by the rejection of bail. The Narcotics Control Bureau detained Aryan Khan on October 7, 2021, on suspicion of having illegal substances in his hands. On October 8, 2021, the Sessions Court denied his initial request for bail because it could not be upheld. The NDPS Special Court heard Aryan Khan's second bail request. The application was rejected on October 20, 2021, among other reasons, because WhatsApp exchanges revealed Aryan was engaging in "illicit drug activity." The Bombay High Court granted him bail after overturning the decisions made in his bail applications and finding nothing wrong with the WhatsApp discussions. On October 21, 2021, Aryan Khan was freed after 25 days in custody. Surprisingly, the NCB dismissed all charges against Aryan Khan in 2022 due to insufficient evidence. The government commissioned an investigation into the investigating officer in this case for conducting a "shoddy investigation."

The need for a rule on bail in India is made clear by the aforementioned instance. Because different courts, and even different judges of the same court, may reach different conclusions on the same facts and circumstances in the absence of clearly defined guidelines streamlining the grounds for or against bail, there will inevitably be more challenges to bail orders.

THE BAIL LEGISLATION

A bail statute should include sufficient and valuable instructions for courts and investigative authorities. Numerous laws have grand objectives that they fail to fulfill because of flaws in the criminal justice system. As rightly said by former CJI Ramana, the process itself is punishment in India's criminal justice system. As a result, the Bail Act must consider the acute infrastructure shortage and judge the population ratio.

Image Source: Live Law

Accountability measures must be included in the bail act to limit potential lawsuits resulting from the action. The investigative authorities should be required to use reasonable judgment before requesting custody.

The bail act must reflect India's socio-economic conditions. A system that might require only sureties and not money. Perhaps bail should be given in cases of petty offenses, and it should be the responsibility of the investigative agency to file a request for an arrest because confined questioning is required. The legislature needs to discuss these issues. The ability to arrest should be distinguished from the reason for arrest by the parliament. The reputation and self-esteem of a person might suffer significantly after an arrest. The court should take the Antil Judgment as the basis of a bail law in India. In the *Antil Judgment*, the court has categorized offenses unto four categories.

Category A- Crimes punishable by up to 7 years.
Category B- Crimes punishable by more than seven years in prison, death penalty, or life.
Category C- Crimes punishable under unique acts like NDPS.
Category D- Economic offenses.

For Category A, the Supreme Court has directed for ordinary summons and the issue of non-bailable warrants only on the failure of the accused to appear. The court has advised a bail decision on the case's merits for categories B and D. For category C cases, the apex court has recommended also hearing the matter on merits and the accused's appearance.

BAIL LAWS IN OTHER COUNTRIES

The Ministry of Law and Justice requested the Law Commission to investigate the "need for a separate Bail Act" to be consistent with similar laws in other nations, such as the UK, according to the Law Commission of India's 268th report. However, in a subsequent letter in 2016, the Ministry instructed the commission only to recommend necessary changes to the CrPC. Given the Supreme Court's recent stand, it is essential to analyze the legislation on bail worldwide.

Australia

Australia created a specific law in 1992 called the "Bail Act" to address the various components of bail. It attempted to streamline the bail process and further classify transgressions into three categories when it comes to bail: first, where bail was viewed as an "entitlement." The presumption was to be held in favor of bail for offenses in the second category, and there was no presumption either way for crimes in the third category. It also covered the financial considerations for setting bail amounts and how each person's unique circumstances must be considered. It should be mentioned that this Bail enactment has also been modified periodically to meet the demands of the time.

United Kingdom

In the UK, a specific legislation known as the Bail Act was introduced in 1976. It involved a straightforward process to guarantee bail,

Image Source: Canva

which might be given to everyone except for offenses covered by the Schedule of the Act. It lays out several factors, including the crime's nature and continuity. The Act's principal goals are to decrease the jail population and strengthen the assumption that bail will be granted; an exception is made when it is feared that the accused will not surrender to custody, commit an offense while free on bail, or interfere with witnesses.

CONCLUSION

The Indian Criminal Justice system has a significant flaw: it cannot guarantee the employment of a fair process while dealing with those who have been accused in a case, as the Supreme Court has emphasized several times. As previously said, countless other nations have already passed separate legislation to ensure that the criminal justice system's fundamental principles are not compromised due to existing prejudices while dealing with circumstances. Therefore, one of the most important actions the government can take to address these problems is to propose separate bail legislation.

While granting bail to Mohammed Zubair, Justice DY Chandrachud importantly noted that "Arrests should not be used as a means of punishment and never should be."

In this regard, the order of the Supreme Court observed: "People should not be punished purely based on unsubstantiated accusations without a fair trial. Abuse of authority occurs when the right to make an arrest is used without due consideration for the law or application of reason." Criminal law and its procedures must not be used as a threatening weapon. Section 41 of the CrPC and the safeguards in criminal law recognize that any criminal proceeding almost inevitably involves the might of the state, with unlimited resources at its disposal, against a lone individual.

STATUS OF ANIMAL PROTECTION LAWS IN INDIA

ANANYA PRAKASH

INTRODUCTION

India is the seventh largest country and the eighth most biodiverse region globally. It boasts of having around 10 per cent of the world's species. It has a diverse fauna with about 91,000 animal species, including insects, mammals, reptiles and amphibians and a high livestock diversity with many breeds of sheep, cattle and goats. It is also home to various endangered species of animals and globally threatened birds.

It is the duty of humans, the most dominant species on Earth, to take care and treat other species with respect. In India, the Parliament has enacted various legislations for the protection and welfare of animals. Some of these are The Prevention of Cruelty to Animals Act, 1960, The Wildlife (Protection) Act, 1972, Animal Birth Control Rules, 2001; etc. Besides these specific laws, the Indian Penal Code of 1860 also contains provisions for punishments for animal cruelty.

ANIMAL ABUSE AND CRUELTY

Animals are subjected to various types of abuse and cruel treatment by humans. Animal abuse is a broad term that includes acts or omissions leading to harm or suffering by animals.

It includes neglect as well, such as not taking proper care of pets by providing inadequate or no food, improper or unhygienic living conditions, etc. On the other hand, animal cruelty is the infliction of physical harm to animals by deliberate acts of hitting, stabbing, beating, shooting them, etc. It is defined in Section 11 of the PCA, 1960.

In India, the most common victims of animal cruelty are domestic animals such as dogs, cats, horses, cattle, etc. In a report titled 'In Their Own Right – Calling for Parity in Law for Animal Victims of Crimes' released by the Federation of Indian Animal Protection Organisations (FIAPO) and All Creatures Great and Small (ACGS), disturbing numbers of gruesome and intentional acts of violence against the street, working, companion, farm, wild animals and birds between 2010 and 2020 are reflected. Assaults were committed by children as well.

Sickening cases of animals being sexually abused and raped, hung and beaten to death, thrown off buildings, attacked with knives, thrown acid upon, buried/burned alive, suffocated, strangled with ropes, etc., have been documented in India.

IMPORTANT PROVISIONS

Part IVA in the Constitution of India lists out the fundamental duties of every citizen of India. Article 51A (g) makes it a duty to protect and improve the nation's wildlife and have compassion for living creatures. The Directive Principles of State Policy, by Article 48A, supplements this duty by advising the State to make laws for safeguarding wildlife of the country. The Constitution (Forty-Second Amendment) Act, 1976 added both of these.

Image Source: Libertatem Magazine

These provisions are not directly enforceable in Courts but lay directions for the Centre and states to help advance animal protection. Also, the Centre and States can make laws for advancing animal rights and their protection, as the subject is a part of the Concurrent List.

The official criminal code of India also contains provisions in this regard. Sections 428 and 429 of the IPC, 1860 provide punishment for committing mischief by killing, poisoning, maiming, etc., animals of value. It is to be noted here that only animals of value are included within the ambit of these sections. These mainly include domestic animals such as camel, horse, cow, etc. and those that are bought and sold. Hence, a large number of animals are left out of this provision.

These sections reflect the colonial mindset of protecting the owner, not the animals per se. They were designed to help reduce owner's loss in case of decreased value or utility of the animals and only inadvertently protected animals. Animals were treated only as property, and protecting them was never an intention or purpose of the IPC, 1860.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

A radical shift in this mindset was seen with the enactment of this legislation. Its primary goal is to forbid or stop the injury or cruelty done to animals in any way. It set up the Animal Welfare Board of India (AWBI) and replaced the PCA, 1890, which narrowly defined animal cruelty by including only 'unnecessary suffering'.

The 1960 Act expanded the definitions of 'cruelty' and 'animals' and addressed cruelty meted out to them in experiments and when used for public entertainment. However, the Act is still inadequate and provides leeway in many cases of animal cruelty.

Firstly, Section 14 does not make it unlawful to experiment on animals for advancement through discoveries. Keeping in mind the diversity of religions and traditions, Section 28 of the Act does not make it an offence to kill an animal if it is so required by any religion to do so. It also excludes animals in performance and slaughter of 'unwanted' ones.

Secondly, and perhaps the most important aspect which the Act fails to rectify, is the quantum of punishment and fine to be imposed. Penal provisions were largely kept unchanged from the PCA 1890. Fines are as low as Rs. 10 to Rs. 50 on the first conviction and Rs. 25 to Rs. 100 on the subsequent one. Moreover, these only apply to instances of cruelty to animals owned by a person and not to stray or street animals.

LANDMARK CASES

Over the decades, animal rights and protection have increasingly been reflected in the decisions of Hon'ble Courts, in India as well as globally. The doctrine of parens patriae, which states the duty of the State to protect the rights of those who are unable to protect themselves, is now meant to include non-humans as well.

In *Animal Welfare Board of India v. A. Nagaraja & Ors., Delhi ((2014) 7 SCC 547)*, the Supreme Court held that as per the doctrine, it is the moral duty and obligation to safeguard the rights of animals. It further held their right to live with honour and dignity.

In *Narayan Dutt Bhatt v. Union of India & Ors., Nainital (2018 SCC OnLine Utt 645)*, all avian and aquatic animals of the state of Uttarakhand were declared by the Uttarakhand High Court to be a legal entity, with the people of Haryana obligated to protect and safeguard them.

Considering the onset of summer season, the Bombay High Court in April 2023 said that it was an obligation of the residents of the concerned society to provide adequate water to the animals. It has also said that cases of animal cruelty should be decided with great sensitivity as they cannot speak to demand their rights. Courts have also gone as far as ordering for the registration of FIR against a police officer for assault of a street dog during patrolling.

INTERNATIONAL POSITION

Countries across the world have enacted animal welfare legislations. Austria is considered one of the best among them, as it equates the importance of animal life to that of a human life by law. Switzerland is another leader in this regard, with the protection of "dignity" of the creatures. The United Kingdom has a strict penalty and long jail term for cruelty and negligence of animals. Germany accords Constitutional protection to animals.

However, animal cruelty is not necessarily illegal in all the countries. Belarus has no meaningful legislative protections for farmed animals and relies heavily on factory farming for its diet and economy. Australia too does not have any effective legislation in this regard.

KEY RECOMMENDATIONS

Although statutes are in place for animal protection, they have become obsolete and require heavy amendments. The PCA, 1960 should be rid of its loopholes and its punishments be more stringent, which would lead to deterrence in the commission of such crimes. As is the case with those against humans, crimes against animals should be graded based on their severity, and accordingly, punishment be prescribed. Provision for the protection of stray animals should also be made.

Apart from the above-mentioned criminal law reforms, specific administrative measures must also be taken to ensure the greater efficiency of these laws. Currently, no data on crimes against animals are maintained by the Government. The National Crime Records Bureau (NCRB) should keep a separate track of these, which would help in policy making. Greater transparency in the recording of such cases should be ensured.

Apart from these, crimes against animals should be treated on par with those against humans. All excuses for legitimizing crimes by putting them into the 'necessary suffering' category should be steered clear of.

CONCLUSION

Laws should provide justice even to those who cannot speak up for their rights. International law has recognised the importance of animal rights. The Universal Declaration on Animal Welfare (UDAW) is the most prominent. However, the same is yet to be seen solidly in the Indian context.

There is a considerable lacuna to be filled in the domain of animal rights in India and a long way to go before a solid foundation is laid. The fact that laws for their protection are outdated and have not been amended since their introduction shows the archaic mindset that still prevails in the nation. The separation between useful and unwanted animals can still be seen in the provisions and punishments prescribed thereof. Although legal jurisprudence has increased on the issue, the same has yet to be reflected in the statutes of the land.

SERIES REVIEW - BAD BOYS BILLIIONAIRE

RISHABH SHARMA

The Netflix show "Bad Boy Billionaires: India" is a gripping docuseries that delves into the lives and the controversies surrounding some of India's most notorious business tycoons. From the glitz and glamour of their rise to power to the dark underbelly of white-collar crimes, this series offers a thought-provoking exploration of wealth, ambition, and criminality. The show explores the legal disputes surrounding these billionaires through meticulous research and gripping storytelling, shedding light on the nature of their financial wrongdoings and the complex dynamics of white-collar crimes in general, in the Indian context.

Each episode focuses on a different individual, offering a comprehensive insight into their unique story. From Vijay Mallya's alleged money laundering and loan default to Subrata Roy's massive investment fraud, the series presents a panoramic view of complex financial misdeeds that have plagued India's corporate landscape.

In this review, we will analyze each episode from a criminal law perspective, shedding light on the legal implications of the concerned actions portrayed in the story.

Episode 1: "The King of Good Times" The first episode focuses on Vijay Mallya, the flamboyant businessman who built an empire around his extravagant lifestyle and the Kingfisher brand. From the unraveling of his airline business to allegations of fraud and money laundering, the episode highlights the intricacies of white-collar crimes and the challenges faced by law enforcement agencies in prosecuting high-profile individuals. Mallya ultimately fled to the UK in 2016 following the charges of bank loan default to the tune of over ₹9,000 crores associated with the collapse of his Kingfisher Airlines in 2012. Subsequently, the British judiciary in 2019 ordered Mallya to be extradited, but he is yet to be sent to India.

Episode 2: "Diamonds Aren't Forever" This episode centers around Nirav Modi, the diamond merchant accused of perpetrating one of India's largest banking frauds. The narrative begins by introducing Nirav Modi as a charismatic and ambitious businessman who built a global luxury jewelry brand. However, behind the scenes, a complex and fraudulent scheme was unfolding. The episode unravels the methods Modi and his associates employed to carry out a massive banking fraud involving the Punjab National Bank (PNB), one of India's largest public sector banks.

The audience is taken through the intricate details of the fraud, highlighting the misuse of Letters of Undertaking (LoUs) and the creation of fake documents to obtain fraudulent loans from the bank. The scale of the scam is staggering, with estimates suggesting that it involved fraudulent transactions worth billions of dollars. The episode mainly emphasized on how Nirav Modi has exploited the loopholes that are present in the cross-border transaction landscape in India and abroad. It also highlights the need for robust regulatory mechanisms and international cooperation to tackle cross-border financial crimes.

Episode 3: "The World's Biggest Family" The third episode revolves around Subrata Roy, the enigmatic founder of the Sahara Group. Roy's alleged involvement in a massive Ponzi scheme that affected millions of investors raises questions about the responsibility of corporate leaders and the role of regulators in safeguarding the interests of the public. The episode highlights the challenges of untangling complex financial schemes and seeking justice for victims. Subrata Roy was a man coming from nowhere, but he essentially understood the "value of scale." In other words, the scheme that started with ten investors rapidly attracted investments from millions of individuals, and even if each one of them invested 5 rupees, the company was worth millions of dollars. The vast size and reach of the Sahara Group helped him attract a large pool of investors, who believed in the company's promises and saw it as a reliable investment opportunity, and that is how he made his own empire out of poor people's money.

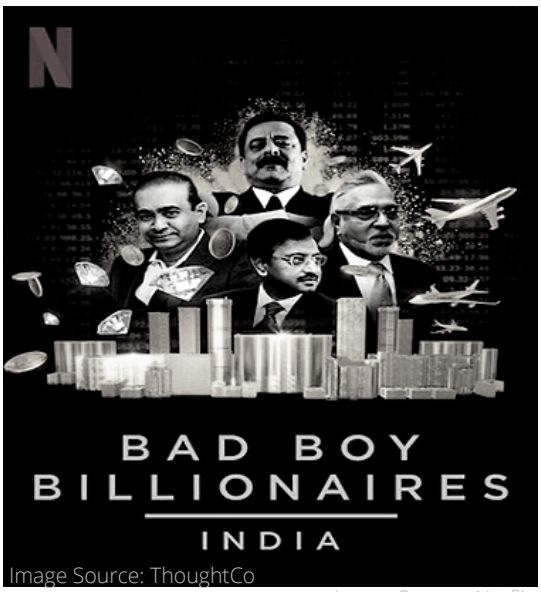


Image Source: ThoughtCo

Image Source: Netflix

One of the series' strengths is its ability to navigate the intricacies of the legal proceedings surrounding these cases. It provides viewers with a glimpse into the legal strategies employed by the accused, the arguments put forth by the prosecution, and the impact of these trials on the country's justice system.

However, it's worth noting that the series itself has faced several legal challenges and controversies. Several of the individuals featured in the show filed legal petitions seeking injunctions against its release, citing defamation concerns. As a result, the initial release of the series was delayed, and certain episodes were temporarily blocked from streaming in India. Eventually, after going through some legal battles, the show was made available on Netflix with certain modifications and disclaimers.

CONCLUSION

To conclude, I believe that the series serves as a chilling reminder of the crimes committed by individuals entrusted with immense wealth and power. Through a criminal law lens of white-collar crimes, emphasizing the need for stringent regulations, effective enforcement, and a fair judicial system to prevent, detect, and prosecute financial misconduct, safeguarding the interests of investors and ensuring a more just and equitable society.
It is overall an enriching piece of media and hence a must-watch.

CRIMINAL LAW WORDSEARCH

Sudarshana

Below is a table where each cell is filled with random letters. Out of these, find out some words related to criminal law!

Criminal Law Wordsearch

B	A	T	T	E	R	Y	G	I	R	R	F	A	Y
C	Y	C	T	Y	R	E	G	R	O	F	E	U	H
E	F	N	T	L	A	M	M	R	B	M	M	K	O
M	E	Y	M	P	E	Y	I	A	B	A	I	I	M
B	I	B	T	E	Y	C	S	C	E	N	R	D	I
E	F	U	O	R	E	A	D	K	R	S	C	N	C
Z	E	R	Y	J	L	R	E	E	Y	L	R	A	I
Z	L	G	E	U	A	I	M	T	A	A	E	P	D
L	O	L	A	R	R	P	E	E	S	U	B	P	E
E	N	A	R	Y	C	S	A	E	S	G	Y	I	M
M	Y	R	S	E	E	N	N	R	A	H	C	N	Y
E	R	Y	O	S	N	O	O	I	U	T	M	G	E
N	B	M	N	J	Y	C	R	N	L	E	S	A	A
T	L	F	R	A	U	D	E	G	T	R	E	P	E

QUIZ- CLAT'S SOUVENIR

Bhavya Sharma

Read the following situation carefully and answer the questions that follow:

Aman and Anjali are childhood friends and live in the same neighbourhood in the Kanpur district of Uttar Pradesh. After completing their 12th Board exam, Anjali wanted to pursue law as her career and got admission into an NLU. In contrast, Aman wished to become an engineer and got admission in a top engineering institute in India. Aman has been in love with Anjali since childhood, but decides to tell her only when he becomes financially independent. Finally, after five years, he gets placed in a top IT Company and tells Anjali his feelings. But Anjali refused him, saying that she loves Rahul, whom she met in the NLU, and she is marrying him next month.

Aman felt disheartened and decided he would never let anyone marry Anjali other than him. He planned to kill Rahul before his marriage to Anjali. In pursuance of that plan, he bought poison which he intends to give to Rahul on the day of the engagement, which will be held in Anjali's house. On the day of the engagement, to execute his plan well without anyone doubting him, Aman instigates Anjali's six-year-old nephew, Krish to mix the poison in Rahul's soft drink. He tells him that mixing this will make the drink tastier. Krish mixes the poison in the soft drink, but mistakenly Anjali consumes that soft drink. A white fluid is discharged from her mouth. Aman notices it and, realising it was Anjali who has consumed the poisoned drink, confesses about his plan. Anjali was immediately taken to the hospital but was declared bought dead.

1. What is the act committed by Aman known as? Which section of the Indian Penal Code, 1860 mentions it?

a) Arson, section 109
b) Assault, section 104
c) Abetment of a thing, Section 107
d) Abetment of a thing, section 108

2. What is the term by which the person who commits the offence mentioned above is known as? Also, mention the section of the Indian Penal Code,1860, in which it is defined.

a) Abeter, section 107
b) Abettor, section 108
c) Abeteor, section 108
d) Abettor, section 109

3. Can Aman be liable for the death of Anjali even though he intended to kill Rahul? Mention the respective provision of IPC, 1860, to support your answer.

a) Yes, section 111
b) Yes, section 112
c) No, section 111
d) No, section 112

4. Can Krish be liable for the murder of Anjali? Mention the legal term/ Doctrine in support of your answer.

a) No, Doli Incapax
b) No, Doli Capax
c) Yes, Doli Incapax
d) Yes, Doli Capax

5. Which section of the Indian Penal Code,1860 will be referred to decide the punishment given to Aman?

a) Section 112
b) Section 113
c) Section 114
d) Section 115

motivates one to perform gruesome acts against humanity.

ANSWERS FOR CONTINUOUS WORDS
ISSUE 9

1.A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. (5) **FRAUD**

2.A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings. (6) **DOCKET**

3.Amount of money that we pay to use a road or bridge. (4) **TOLL**

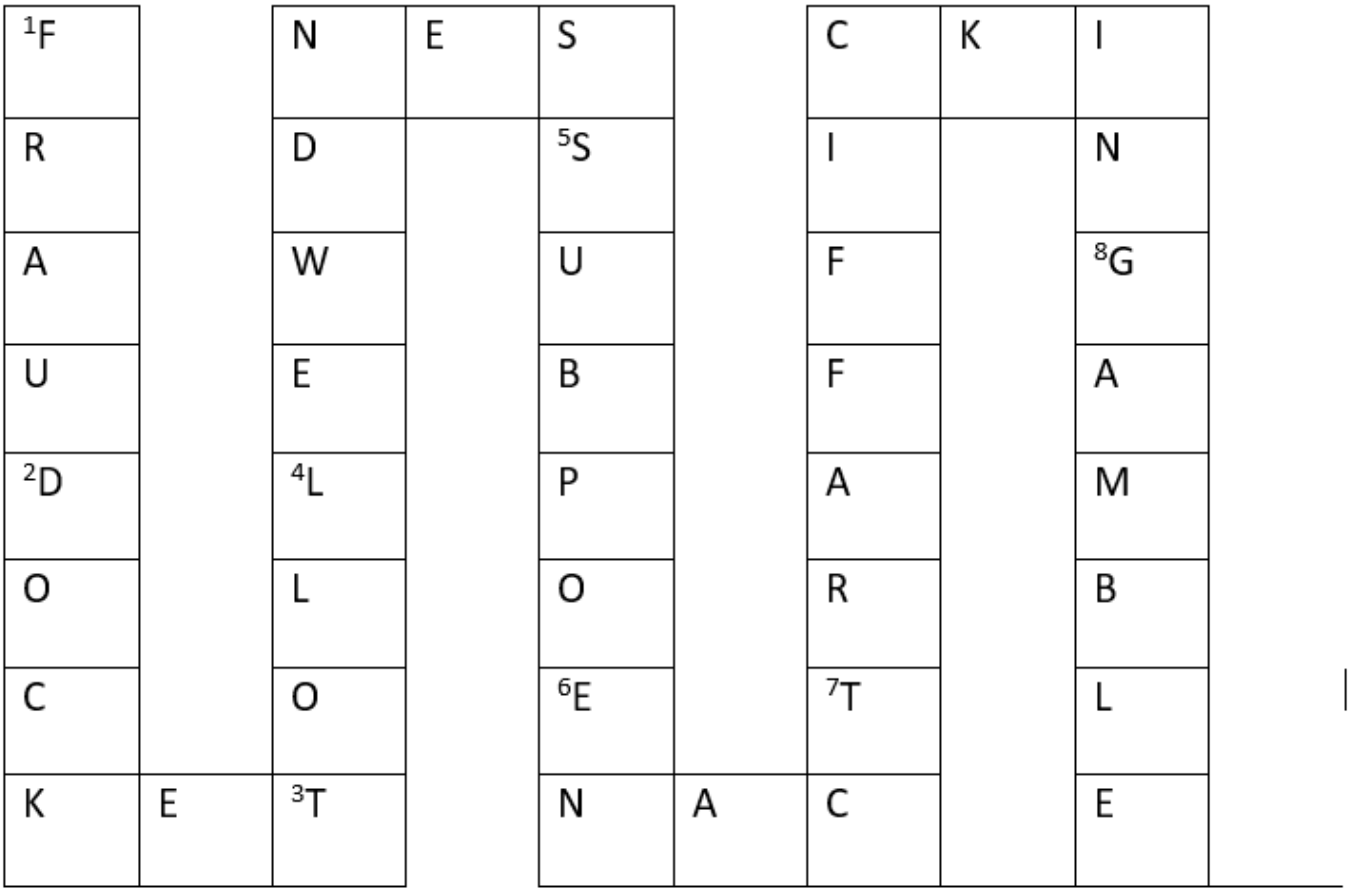
4.A sexual act that the actor knows will likely be observed by someone who will be affronted or alarmed by it. (8) **LEWDNESS**

5.The process of legally compelling a witness to appear in court or give testimony. (8) **SUBPOENA**

6.To pass a law. (5) **ENACT**

7.The act of transferring drugs from one location to another. (11) **TRAFFICKING**

8.To bet, game, or participate in an activity that is based on luck not on the skills to win money. (6) **GAMBLE**



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