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LEGAL APTITUDE

TOPICS

- Criminal Law
- Practice Questions
- Important for CLAT, AILET, MHCET, and other Law entrance examinations

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LEGAL AWARENESS - CRIMINAL LAW

“Legal Principle (1-10) : 1. Whoever intended to take dishonestly any movable property out of the possession of any person without that person’s consent, moves that property in order to such taking, is said to commit theft.

2. Whoever, intentionally puts any person in fear on any injury to that person, or to any other, and thereby dishonestly induces the person so put an fear to deliver to any person any property of valuable security, or anything signed or sealed which may be converted into a valuable security, commits ‘extortion’.

3. Whoever dishonestly misappropriates or converts to his own use any movable property, Shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

4. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use hat property, or dishonestly use of disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he had made touching the discharge of such trust, or willfully suffers any other person to do so, commits ‘criminal breach of trust’.

5. Whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or property is said to ‘cheat’.

6. A person is said to ‘cheat by personating’ if he cheats by pretending o be some other person, or by knowingly substituting one person for another, representing that he or any other person is a person other than he or such other person really is.

2. Factual Situation: A finds a ring belonging to Z on a table in the latter’s house and puts the same under the carpet there with the intention of taking it afterwards. The ring still lies in the house f Z undetected. Later A, by a change of mind, decides not to take the ring. Has he committed any crime?

Issue: What offence, if any, has been committed?

- (a) A is not guilty of theft as he had changed his mind.
- (b) It is a case of criminal misappropriation.
- (c) A at time of first moving the ring commits the theft, it does not mater hat he later changes his mind
- (d) None of these.

3. Factual Situation: A, a washer man, washed a carpet on the bank of the river and hung up there to dry. A went to eat his lunch when B, a boat man, tempted by the look of the carpet, moved it to furnish his boat for a day and thereafter return it back to A. before B could run away with the carpet he was apprehended by A.

Issue: What offence, if any, has been committed?

- (a) B is not guilty of theft.
- (b) No offence can be made against B.
- (c) B is guilty of theft.
- (d) None of these.

4. Factual Situation: X took away Y's purse from his pocket while he was asleep. On getting up Y found the purse in X's hand. He asked X to return it to him, where upon X cursed him and threatened him with dire consequences if he attempted to take the purse or to inform the Police. Y struck by X's fear kept quiet. However, some bystanders reported the matter to the police.

Issue: What offence, if any, has been committed?

- (a) X is guilty of criminal intimidation.
- (b) X is no guilty because merely seeing the purse in the hands of X does not amount to theft.
- (c) X can be prosecuted for the offence of committing theft.
- (d) None of these.

5. Factual Situation: A gives an expensive suit length to the tailor for stitching. The tailor failed to give the suit even two weeks after the appropriate date, on his fourth visit to the tailor's shop, A forcibly removed the uncut suit length from the almirah, despite lot of resistance from the shop assistants.

Issue: What offence, if any, has been committed?

- (a) A may have committed criminal trespass and assault, but not theft as what he did was not done dishonestly.
- (b) A is guilty of theft.
- (c) A is not committed any offence as suit length belongs to him.

6. Factual Situation: X had given his watch for repair to Y, who had promised to do the job within a week. After 15 days, when X visited Y's shop. He found his watch still kept un-repaired. He took the watch from the shelf and came back without telling anything to Y.

Issue: What offence, if any, has been committed?

- (a) Yes, X commits theft through the watch is his own property inasmuch as he takes it dishonestly. See illustration (k) to Sec 378.
- (b) X is not guilty for theft.
- (c) Y is guilty of negligence and can be prosecuted in the consumer Protection Act for the deficiency of services

7. Factual Situation: A gave his tape recorder to B for repair who promises to carry out the repair within two days. The repair charges were settled at Rs300. B completed the repairs within time satisfactorily. A with no intention to pay took away the tape recorder from B's shop in his absence.

Issue: What offence, if any, has been committed?

- (a) A is guilty of theft.
- (b) A is not guilty for theft.

- (c) A is guilty of criminal misappropriation.
- (d) A is guilty of cheating.

8. Factual Situation: A sought the aid of B with the intention of committing a theft of the property of B's master. B, with the knowledge and consent of his master, and for the purpose of procuring A's punishment, aided A in carrying out the object.

Issue: What offence, if any, has been committed?

- (a) As the property removed was so taken with the owner's knowledge, theft was not committed, but A was guilty of abetment of theft.
- (b) A is guilty of theft.
- (c) A is innocent.
- (d) B is guilty of theft.

9. Factual Situation: A, a government employee in the post office, while assisting in the sorting of letters, he secreted two letters with the intention of handing them to the delivery peon and sharing with him certain money payable upon them.

Issue: What offence, if any, has been committed?

- (a) A is guilty of theft and of an attempt to commit dishonest misappropriation of property.
- (b) A is guilty of dereliction of duty.
- (c) A is guilty of conspiracy.
- (d) A guilty of invading the privacy of the person to whom the letters related.

10. Factual Situation: A, at the railway station inserts counterfeit coins into an automatic machine and causes it to eject railway tickets which A and his friends B, C and D make use of.

Issue: What offence, if any, has been committed?

- (a) A is guilty of criminal misappropriation B, C and D are not liable.
- (b) A will be guilty of theft; B, C and D would be liable under Sec. 411 of IPC for receiving stolen property as they had used the tickets.
- (c) A, B, C, and D are innocent railway authorities who are liable for negligence.
- (d) None of these.

Answers with explanations are given towards the end of the document.

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LEGAL AWARENESS - CRIMINAL LAW

Answers & Explanations

2. **Answer: c**

Explanation: A had the dishonest intention of taking away the ring and he moved the ring with such intention hence, A has committed theft. A's change of mind is not important once he has moved the ring with such dishonest intention.

3. **Answer: c**

Explanation: B moved the carpet to dishonestly take it out of the possession of A and hence he committed theft.

4. **Answer: a**

Explanation: X threatened Y with dire consequences to prevent him from recovering his purse which put Y in serious fear of injury hence, X has committed criminal intimidation.

5. **Answer: c**

Explanation: A moved the uncut suit length from the almirah without the consent of the tailor for taking it away from the possession of the tailor but, the uncut suit belonged to A and it can't be said that A dishonestly took away the suit out of tailor's possession. Hence, A has not committed theft.

6. **Answer: a**

Explanation: X took away the watch without telling anything to Y. X has committed theft as he can be said to have dishonestly taken the watch out of the possession of Y without Y's consent.

7. **Answer: a**

Explanation: A is guilty of theft as he dishonestly took away the tape recorder out of the possession of B without B's consent. A had no intention of paying the repairing charge and hence, his dishonest intention is proved.

8. **Answer: a**

9. **Answer: a**

Explanation: A is guilty of theft as he dishonestly moved the letters when his job was just to sort the letters away from the possession of the post office. He is further liable for criminal misappropriation because he wrongly disposed off the letters for his own benefit.

10. **Answer: b**

Explanation: A will be liable for theft because he dishonestly took away the tickets from the ticket vending machine by tricking it by putting in fake coins hence, he is liable for theft. B, C, and D use the tickets knowing that they were stolen hence they will be liable for receiving stolen property.

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