BLOGS

Legal Reasoning Questions with Answers and Explanations for CLAT 2024

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PASSAGE 1

The provisions pertaining to abetment are discussed in Sections 107–120 of the Indian Penal Code 1860. Section 107 of the Code provides a comprehensive definition of abetment. In essence, abetment entails the act of instigating, aiding, encouraging, or facilitating the execution of an individual's criminal intentions. The concept of abetment encompasses three distinct acts, as stipulated in Section 107.

Abetment by instigation refers to the act of motivating another individual, either towards a positive or negative outcome. This form of abetment encompasses two distinct possibilities: encouraging someone towards a good cause or inciting them towards a malicious intention. Consequently, individuals who engage in such instigation are legally responsible, regardless of whether the act they encouraged was actually carried out.

An individual initiates the execution of an action through intentional misrepresentation or intentional concealment of an important fact that they are obligated to disclose. This individual voluntarily induces or arranges, or endeavours to induce or arrange, the execution of said action.

Abetment through conspiracy refers to the act of collaborating with one or more individuals in a conspiracy with the intention of carrying out a particular action. If an act or illegal omission occurs as a result of this conspiracy, it falls under the purview of abetment.

The concept of abetment by conspiracy is applicable when two or more individuals engage in a conspiracy with the intention of committing a criminal act, which, if carried out, would constitute abetment by conspiracy. Failure to commit the same act will be deemed a conspiracy, thereby rendering it liable for punishment under Section 120A rather than for abetment through conspiracy.

Abetment by aid refers to the act of intentionally providing assistance, either through an action or the deliberate omission of action, in the commission of a criminal offence. Section 107 of the law

provides further elucidation on the concept of aiding in the commission of an act.

According to Explanation 2, an individual is considered to aid in the execution of an offence if they engage in any action, either prior to or concurrently with the commission of said offence, with the intention of facilitating its occurrence.

In order to establish the offence of abetment, it is not a prerequisite for the act being abetted to have been committed or not. The offence of abetment is contingent upon the intention of the individual who aids rather than the specific action carried out by the individual being aided.

1. A and B have a friendly relationship. Person A provided financial assistance to Person B. B utilized the funds to acquire a toxic substance, subsequently employing it to perpetrate the death of C.

a) A can be held accountable for abetment as he facilitated B's involvement in the criminal act by providing financial assistance for the purchase of poison.

b) A cannot be held accountable for abetment. The individual did not have the intention to commit the criminal act.

c) A is liable for amendment. Purchasing the position speaks for the same.

d) The answer cannot be determined.

2. B was entrusted with the funds by A for the purpose of purchasing rat poison. B purchased the rat poison with the intention of utilizing it for killing C, rather than its intended purpose.

a) A bears legal accountability for the act of abetment. He provided assistance by contributing money for the procurement of rat poison.

b) A cannot be held accountable for abetment. The individual did not have any intention to employ the rat poison for the purpose of committing homicide.

c) According to the evidence presented, it can be concluded that A bears legal responsibility for the act of abetment. The act of purchasing toxic substances is inherently self-explanatory.

d) The answer cannot be determined.

3. Ashish and Bittu are friends. The individuals in question share a mutual adversary, namely Catherine. On a particular occasion, Bittu experienced a sense of dissatisfaction

with Catherine's behaviour. In an attempt to provide solace to Bittu, Ashish expressed his concurrence with regard to the negative portrayal of Catherine's character. Furthermore, he stated that Catherine was such a hateful character that she did not deserve to live. Bittu regarded Ashish's words with great seriousness. Bittu perpetrated the act of causing Catherine's death.

a) Ashish can be held accountable for the act of instigation, as it can be argued that his words played a significant role in motivating Bittu to commit the act of killing Catherine.

b) Ashish cannot be held accountable for instigation, as there is no evidence to suggest that he had any intention to cause harm to Catherine.

c) Ashish can be held accountable for instigation due to the fact that Catherine was also his adversary.

d) Ashish cannot be held accountable for instigation, as his statements were merely advisory or suggestive in nature.

4. Following the aforementioned statements, Ashish placed a packet on the table as he departed. The packet contained a lethal dose of arsenic. Bittu is responsible for the demise of Catherine through the utilization of arsenic.

a) Ashish can be held accountable for instigation based on his verbal declarations and the deliberate act of keeping the poison.

b) Ashish cannot be held accountable for instigation, as the act of leaving a packet on the table is considered innocuous.

c) According to the circumstances, Ashish can be held accountable for instigation due to the fact that Catherine was considered an adversary and there was evidence of a guilty mind (mens rea).

d) Ashish cannot be held accountable for instigation, as his statement can be characterised as a mere expression of advice or suggestion.

5. A and B conspire to initiate a motion of no-confidence against the current Government due to their dissatisfaction with the prime minister. C provides encouragement and offers the necessary support from members of Parliament.

a) C bears legal responsibility for abetment. Her actions exhibited a discernible component of provocation.

b) According to the law, C cannot be held accountable for the act of abetment. Her actions did not exhibit any element of instigation.

c) C can be held responsible for abetment. Her actions exhibited a discernible element of conspiracy.

d) C does not bear legal responsibility for the act of abetment. There was an absence of any conspiratorial element in her actions.

PASSAGE 2

A bailment is a unique contractual arrangement stipulated in Section 148 of the Indian Contract Act 1872. The term “bail” originates from the French verb “bailer,” which translates to “to deliver.” The term “bailment” has its origins in etymology, specifically denoting the act of “handing over” or “altering the possession of goods”.

Bailment refers to the act of transferring possession of goods from one individual to another for a specific purpose under the condition that the goods will be returned or disposed of according to the instructions of the original owner, known as the bailor.

The individual responsible for the transportation and delivery of goods is commonly referred to as the bailor. The individual who receives the goods is commonly referred to as the Bailee, while the property that is entrusted to their care is known as the Bailee Property.

Section 150 of the Indian Contract Act of 1872 imposes obligations on the bailor to disclose latent facts, particularly those related to defects in goods. Bailee is required to fulfil multiple obligations in accordance with the Indian Contract Act of 1872.

The aforementioned obligations include the responsibility to exercise reasonable care in handling the goods, refraining from unauthorized utilization of the goods, the obligation to return the goods upon the completion of their intended purpose, and the duty to deliver any increase or profit, if applicable, derived from the bailed goods to the bailor.

6. Mrs. Dabur entrusted the State Bank of Rampur with the custody of four bangles made entirely of gold, with the purpose of ensuring their security within the bank’s designated storage facility. The gold bangles were stored in the locker designated for Mrs Dabur by the bank manager.

A burglary occurred at the bank, resulting in the theft of Mrs Dabur's gold as well as other valuable possessions belonging to various bank customers. The bank manager's decision to forgo the employment of security personnel was attributed to the financial difficulties experienced by the institution.

Mrs Dabur initiates a legal proceeding against the bank with the objective of obtaining reparation for the loss of a valuable piece of jewellery.

a) The State Bank of Rampur cannot be held accountable for providing compensation to Mrs Dabur, as they exercised the same level of care for her belongings as they would have done for their own goods.

b) The liability of the State Bank of Rampur arises from its failure to exercise the level of care that would be expected from a reasonably prudent individual in relation to the goods that were entrusted to it, thereby necessitating compensation to be provided to Mrs Dabur.

c) The State Bank of Rampur cannot be held accountable for compensating Mrs Dabur due to its exercise of reasonable care in handling the entrusted goods, and the burglary was unavoidable regardless of any circumstances.

d) None of the aforementioned choices.

7. Mrs Dabur entrusted the State Bank of Rampur with four bangles made entirely of gold. The gold was stored by the bank in the designated locker allocated to Mrs Dabur. A burglary occurred at the bank.

The perpetrators forcibly gained entry into the bank premises by forcibly breaching one of its windows, subsequently resulting in the unfortunate demise of the two security personnel. Mrs Dabur has initiated legal proceedings against the State Bank of Rampur, seeking compensation.

a) The State Bank of Rampur cannot be held accountable for compensating Mrs Dabur due to the level of care exercised in safeguarding her gold. This is evident from the fact that their own goods were also stolen, indicating that they took comparable precautions for both their own assets and Mrs Dabur's gold.

b) The liability of the State Bank of Rampur arises from its failure to exercise the level of care that would be expected from a reasonably prudent individual in relation to the goods that were entrusted to it, thereby necessitating compensation to be provided to Mrs Dabur.

c) The State Bank of Rampur cannot be held responsible for compensating Mrs Dabur, as it exercised due diligence in safeguarding the goods that were entrusted to its care.

d) The State Bank of Rampur is not legally obligated to provide compensation to Mrs Dabur due to its demonstration of a reasonable level of care, comparable to that which a reasonably prudent individual would exercise, in handling the entrusted goods. The watchman's brutal murder serves as evidence of this assertion.

8. Veeru entrusted the custody of his wife Basanti's jewellery to his acquaintance Jay, with the intention of ensuring its security during their temporary absence while visiting Basanti's maternal aunt in Ramgarh.

Upon Veeru's return, Jay adamantly declined to relinquish the jewellery. According to his statement, Veeru had borrowed a loan from him in the past, prompting him to sell the jewellery in order to retrieve the owed funds. Nevertheless, he was prepared to reimburse the surplus funds acquired from the transaction. Veeru makes the decision to initiate legal proceedings against Jay.

a) Jay can be held legally responsible as he failed to return the jewellery after fulfilling the intended purpose for which it was entrusted to him.

b) Jay's liability can be negated as he has lawfully transferred ownership of the jewellery in order to settle his debt, and he has also expressed his willingness to fulfil the outstanding balance.

c) According to the given scenario, it can be argued that Jay cannot be held accountable for the situation, as Veeru was responsible for providing him with the money in a timely manner.

d) None of the above

9. Tushar endeavored to vend his antiquated laptop, yet encountered difficulty locating a prospective purchaser. In the interim, Prashar inadvertently damaged the display of his laptop, rendering it inoperable for further use.

During the lockdown, Tushar and Prashar who were residing in close proximity, find themselves in a predicament, wherein Tushar encounters difficulty in locating a prospective buyer for a certain item, while Prashar faces challenges in securing the services of a repair professional.

In the given situation, Tushar provided Prashar with his laptop in order to prevent any negative impact on Prashar's work. Following the conclusion of a two-month lockdown period, Prashar encountered Hoshiyar, who expressed a keen interest in Tushar's laptop.

Consequently, Prashar proceeded to sell the aforementioned laptop to Hoshiyar. Upon discovering this information, Tushar's emotional response was not one of contentment regarding the sale of his laptop; instead, he became enraged and initiated legal proceedings against Prashar.
Decide.

a) It is unlikely that Tushar will achieve a favourable outcome in his case, given that he actively sought a suitable buyer and Prashar successfully facilitated this transaction.

b) It is unlikely that Tushar will achieve a favourable outcome in his case due to the fact that the laptop was in Prashar's possession. Consequently, Prashar holds the authority to make decisions in this matter.

c) Prashar lacks the legal right to transfer ownership of a title he does not possess. Consequently, the sale agreement for the laptop will be deemed invalid.

d) Prashar's potential failure in the case can be attributed to his status as a bailee, which limits his authority to the mere usage of the laptop rather than its sale.

10. Nyle loaned his carriage to Hyman for one week. While Hyman was travelling in a carriage, he encountered an unfortunate incident. The accident was a direct consequence of a malfunctioning wheel on the carriage.

It is noteworthy that Nyle possessed knowledge of this issue but neglected to communicate it to Hyman. Hyman initiated legal proceedings against Nyle in order to seek financial restitution.

a) Nyle's lack of liability for compensation arises from his obligation to inspect the carriage prior to borrowing it.

b) Nyle bears responsibility for the incident due to his obligation to notify Hyman regarding the damaged wheel.

c) Nyle's liability arises from his negligence, which directly led to an accident resulting in injuries sustained by Hyman.

d) None of the above

Answers

1. (B) Based on the available information, it can be concluded that Option B is the most accurate response. According to the passage, it is asserted that the presence of an intention to cause the

death of an individual is a requisite factor. In order for abetment to take place. Therefore, in this particular scenario, it would be inappropriate to assert that A intended to cause death, as his actions were limited to providing monetary compensation.

2. (B) Based on the given information, it can be concluded that Option B is the correct response. According to the passage, the presence of intention is a crucial element in establishing the commission of the offence of abetment. In the present scenario, it is important to note that there is no deliberate intent to perpetrate homicide against individual C. The act of abetment is thus established.

3. (B) Option B is the appropriate choice, as there is no explicit intention to cause harm or take Catherine's life. The utterances or provocations in question, although potentially insignificant, fail to address the crucial matter of intent, which holds paramount significance.

4. (A) According to the available evidence, it can be concluded that Option A is the most accurate and appropriate response. The deliberate placement of a packet containing arsenic on the table lacks any alternative utility. In this particular instance, a distinct animosity towards Catherine was overtly manifested. The possession of a packet of arsenic by Ashish strongly suggests his awareness of Bittu's intention to utilise it as a means to cause harm to Catherine. Therefore, he facilitated Bittu's criminal activity.

5. (D) Based on the available information, it can be concluded that Option D is the most accurate response. In order for a conspiracy to exist, it is necessary for it to be linked to a criminal act. In this context, where there is an absence of deliberate intent to engage in unlawful behaviour,

6. (B) Based on the available information, it can be concluded that Option B is the most accurate response. Based on the available evidence, it is evident that the State Bank of Rampur did not engage the services of security personnel to oversee the bank's protection. This behaviour appears to deviate from the expected conduct of an individual exercising ordinary prudence.

7. (D) It would be inaccurate to assert that the State Bank of Rampur neglected its responsibilities. The death of the watchman is irrelevant to the scenario.

8. (A) According to the available evidence, it can be concluded that Option A is the most accurate and appropriate response. Bailee is obligated to fulfil specific duties, which encompass refraining from unauthorised use of the goods and ensuring the return of the goods upon fulfilment of their intended purpose. The primary objective of the contract was to ensure the secure storage of the

jewellery rather than serve as collateral for a prior loan. Consequently, the jewellery was subject to being returned.

9. (D) Based on the available information, it can be concluded that option D is the most accurate response. It is anticipated that Tushar will succeed, given that Prashar has infringed upon his authority by selling the laptop. There is an obligation to refrain from engaging in unauthorised utilisation of the goods, as well as an obligation to return the goods upon completion of their intended purpose. Option (c) is deemed incorrect due to the absence of any information pertaining to the aspects of possession and transfer of title in the provided passage.

10. (B) Based on the available information, it can be concluded that Option B is the most accurate response. The passage discusses the obligation of the bailor to provide notification regarding any defects present in the goods. In this particular scenario, Nyle was obligated to reveal the pertinent information to Hyman.

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