BLOGS

Passage-Based Questions on Criminal Law for CLAT PG

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Besides the circumstances that emerge from the oral evidence on the record, we have to see in what situation Mathura was at the material time. Both the accused were strangers to her. It is not the case of the defence that Mathura knew both these accused or any of them since before the time of occurrence. It is, therefore, indeed, highly improbable that Mathura on her part would make any overtures or invite the accused to satisfy her sexual desire. Indeed it is also not probable that a girl who was involved in a complaint filed by her brother would make such overtures or advances.

The initiative must, therefore, have come from the accused and if such an initiative comes from the accused, indeed she could not have resisted the same on account of the situation in which she had found herself especially on account of a complaint filed by her brother against her which was pending enquiry at the very police station.

If these circumstances are taken into consideration it would be clear that the initiative for sexual intercourse must have come from the accused or any of them and she had to submit without any resistance.... Mere passive or helpless surrender of the body and its resignation to the other's lust induced by threats or fear cannot be equated with the desire or will, nor can furnish an answer by the mere fact that the sexual act was not in opposition to such desire or volition.... On the other hand, taking advantage of the fact that Mathura was involved in a complaint filed by her brother and that she was alone at the police station at the dead hour of night, it is more probable that the initiative for satisfying the sexual desire must have proceeded from the accused, and that victim Mathura must not have been a willing party to the act of the sexual intercourse.

Her subsequent conduct in making statement immediately not only to her relatives but also to the members of the crowd leave no manner of doubt that she was subjected to forcible sexual intercourse.

Judgement Excerpt from Tukaram and Another .V. State of Maharashtra MANU/SC/0190/1978

1) Which of the following judge was among the panel of judges who gave the judgment of Tukaram and Another .V. State of Maharashtra ?

a) Justice A.D Koshal

b) Justice Pinaki Chandra Ghose

c) Justice Abdul Nazeer

d) Justice Krishna Iyer

2) How many judges did the panel of the Supreme Court comprised while delivering the judgement in the above mentioned case?

a) 2 judge bench

b) 3 judge bench

c) 5 judge bench

d) 7 judge bench

3) What was discussed in the above mentioned case?

a) This case led to criminal amendment in the year 1983

b) This case deals with sexual violence victims and better support for them from criminal justice system

c) All of the Above

d) None of the Above

4) Who gave a dissenting opinion in the above mentioned case?

a) Justice Abdul Nazeer

b) Justice Pinaki Chadra Ghose

c) Non dissenting opinion was given in the case

d) Justice Jaswant Singh

5) Which section of Bhartiya Nyaya Sanhita, 2023 deals with ‘Rape’?

a) Section 62

b) Section 63

c) Section 64

d) Section 65

6) Which section of Bhartiya Nyaya Sanhita, 2023 deals with ‘Punishment with Rape’?

a) Section 64

b) Section 67

c) Section 68

d) Section 69

7) Which section of Indian Evidence Act, 1872 was considered in the above mentioned case?

a) Section 43

b) Section 44

c) Section 45

d) Section 46

8) Which section was added following the aftermath of this case in Indian Penal Code, 1860?

a) Section 112D

b) Section 114B

c) Section 228A

d) Section 228

9) Which section of Indian Evidence Act, 1872 was amended after the above mentioned case?

a) Section 112

b) Section 114B

c) Section 114C

d) Section 114A

10) Which of the following cases are related to rape laws in India?

a) Aparna Bhat and Ors .V. State of Madhya Pradesh and Anr

b) N. Vijayabadri .V. State of Tamil Nadu

c) All of the Above

d) None of the Above

11) Who of the following wrote a letter to Y.C Chandrachud regarding the decision of the above mentioned case?

a) Upendra Baxi

b) Raghunath Kelkar

c) Lotika Sarkar

d) All of the Above

12) What is the purpose of section 228A of Indian Penal Code, 1860?

a) Discourage the identity of the victims of sexual offences

b) Encourage the identity of the perpetrator of the sexual offences

c) Better support for victims of sexual offences from criminal justice system

d) None of the Above

13) Which section of Bhartiya Nyaya Sanhita deals with rape of minors?

a) Section 66

b) Section 66(1)

c) Section 66 (2)

d) Section 66 (3)

14) What is the other name of the above-mentioned case?

a) Mathura Rape Case

b) Rape Case of India

c) Rape case that failed the criminal system in India

d) None of the Above

15) The section 228A has been mentioned as which section under Bhartiya Nyaya Sanhita, 2023?

a) Section 66

b) Section 70

c) Section 71

d) Section 72

Answers

1. Option a
2. Option b

3. Option c
4. Option c
5. Option b
6. Option a
7. Option c
8. Option c
9. Option d
10. Option c
11. Option d
12. Option a
13. Option b
14. Option a
15. Option d