BLOGS

# Test your Knowledge on Group Liability Offences for CLAT

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**Choose the correct option from the following given options:**

A. Common intention under section 34 implies:

a. Similar intention

b. Pre arranged planning

c. Presence of common knowledge

d. Common design for common object

Ans. b

Rationale: common intention is the pre arranged plan between the two. There must be prior meeting of minds to do a particular act together.

B. Imputed criminal liability principle is laid down in which of the following provisions?

a. Section 34 IPC

b. Section 34 and 149 IPC

c. Section 149 IPC

d. Section 108A IPC

Ans. b

Rationale: The principle of vicarious/joint liability is stated in section 34 and 149 of IPC. They deal with constructive liability i.e. liability of all for the acts of one or some of them.

C. The principle of common intention applies when:

a. At least 5 persons involved

b. At least 2 persons involved

c. At least 1 person involved

d. None of the above

Ans. b

Rationale: common intention is framed with another person i.e. a person alone cannot pursue common intention. Thus at least 2 persons are required to form common intention.

D. Joint criminal liability based on common intention requires that:

a. Criminal act is done by more than one person

b. There is a common intention among the accused persons

c. The accused has a participating presence is commission of the crime

d. All the above

Ans. d

Rationale: a person shall be held jointly liable if there is a prior concert of mind and there is actual participation which can be of passive character.

E. When a criminal act is done by several persons in furtherance of common intention of all, each one of them is liable?

a. For an attempt to commit the act

b. For the abetment of the act

c. Only for the part each one has done

d. As if it was done by each one of them in singular capacity

Ans. d

Rationale: if the criminal act is done in furtherance of common each of them shall be liable as if the act was done by him alone.



F. (A): ‘X’ and ‘Y’ had independently entertained the idea to kill ‘Z’. Accordingly each of them separately inflicted wounds on Z who dies in consequence. ‘X’ and ‘Y’ are liable for murder with the aid of Section 34 IPC

(R): When a criminal act is done by several persons in furtherance of common intention of all, each one of them is liable as if it was done by each one of them in singular capacity.

a. Both (A) and (R) are true and (R) is the correct explanation of (A)

b. Both (A) and (R) are true and (R) is not the correct explanation of (A)

c. (A) is true but (R) is false

d. (A) is false but (R) is true

Ans. d

Rationale: X and Y had similar intention but did not have prior concert of mind thus they cannot be liable for murder together with the aid of section 34 IPC.

G. What is the difference between section 34 and 149 IPC?

a. Section 34 creates a specific offence whereas section 149 does not

b. Section 34 as well as section 149 create specific offences

c. Section 149 creates a specific offence whereas section 34 does not

d. Section 34 as well as section 149 does not create specific offences

Ans. c

Rationale: section 34 is a rule of evidence and does not create a substantive offence. Section 149 punishes for being a member of unlawful assembly.

H. It was alleged that 'L', 'M', 'N', 'P', 'Q' and 'R' with common object of taking forcible possession of land belonging to 'Y' entered his land, 'P' caused grievous hurt to 'Y' for the purpose of taking such possession. Presence of 'Q' and 'R' was doubted by the court. Which one of the following statement is correct in this regard?

a. L, M, N are guilty of offence committed by 'P' on the basis of section 149 IPC

b. L, M, N are guilty of unlawful assembly

c. L, M, N are guilty on the basis of section 34 IPC

d. L, M, N are not guilty at all

Ans. c

Rationale: L, M, N entered the land of Y with a common intention of taking forcible possession. Thus they shall be held liable together under section 34 IPC.

I. Which one of the following is punishable as sedition?

a. Inducing people to cease to obey law and lawful authority

b. A publicist attack on policies of the Government

c. Bitter criticism of the Government to overthrow it

d. An attempt to remove the Minister from power

Ans. a

Rationale: Any form of communication which brings or attempts to bring any hatred or excites disaffection towards the Government of India shall be liable for the offence of sedition.

J. 'A' sent through the post office, a packet containing seditious publications, with a covering letter requesting the addressee to circulate it to others. It was intercepted and never reached the addressee. 'A' :

a. Committed the offence of sedition

b. Did not commit any offence

c. Is guilty of inciting communal riot

d. Is guilty of an attempt to commit sedition

Ans. d

Rationale: Any form of communication which brings or attempts to bring any hatred or excites disaffection towards the Government of India shall be liable for the offence of sedition but since the letter never reached the addressee it shall be an attempt to commit sedition.

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