BLOGS

Sample Legal Reasoning Questions for CLAT 2024

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PASSAGE

DISTINCTION BETWEEN CULPABLE HOMICIDE AND MURDER

Cause of confusion: The thin line is the **intention** behind the act. All murders are culpable homicide, but the vice-versa is not valid. Ever since the IPC was enacted, this distinction as to which case will fall under which category is a perennial question with which courts are often confronted.

On a plain reading of the relevant provisions of the Code, it appears that the given cases can be conveniently classified into two categories. Still, when it comes to actual application, the courts are often confronted with this dilemma. This confusion often emerges when it is difficult to interpret from the evidence whether the intention was to cause merely bodily injury, which would not make out an offence of murder, or there was a clear intention to kill the victim, making out a clear case of an offence of murder.

The most confusing aspect is '**intention**' as in both the provisions, the intention is to cause death. Hence, you have to consider the degree of intention of offenders. If the person is killed in cold blood or with planning then it is murder because the intention to kill is in high degree and not out of sudden rage or provocation.

On the other hand, if the victim is killed without pre-planning, in a sudden fight or in sudden anger because of somebody's provocation or instigation, then such a death is called culpable homicide. Hence, whether the act done is culpable homicide or murder is a question of fact.

The distinction between the two was aptly set forth by Sarkaria J., in State of A.P. v. R. Punnayya,((1976) 4 SCC 382) "In the scheme of the Penal Code, 'culpable homicide' is genus and 'murder' its specie. All 'murder' is 'culpable homicide' but not vice versa. Speaking generally, 'culpable homicide' sans 'special characteristics of murder' is culpable homicide not amounting to murder.

To fix punishment, proportionate to the gravity of this generic offence, the IPC practically recognises three degrees of culpable homicide. The first is what may be called culpable homicide of first degree; this is the gravest form of culpable homicide, which is defined in section 300 as 'murder'.

The second may be termed as 'culpable homicide of the second degree'. This is punishable under the 1st part of Section 304. Then, there is 'culpable homicide of the third degree'. This is the lowest type of culpable homicide, and the punishment provided for it is also the lowest among the punishments provided for the three grades, punishable under Part II of Section 304."

Clauses 1-4 of Section 300 provide the essential ingredients, wherein culpable homicide amounts to murder. Section 300, after laying down the cases in which culpable homicide becomes murder, states certain exceptional situations under which, if murder is committed, it is reduced to culpable homicide not amounting to murder punishable under section 304, IPC and not under section 302, IPC.

The exceptions are:

1. Grave and sudden provocation
2. Private defence
3. Exercise of legal power
4. Without premeditation in a sudden fight and
5. Consent in the case of passive euthanasia

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Question 1: Grave and Sudden Provocation

Scenario: A and B have been neighbours for many years. One day, A discovers B has been spreading malicious rumours about A's family, causing him extreme mental distress. In anger, A confronts B, and an intense argument ensues. During the altercation, A loses control and strikes B with a heavy object, leading to B's death.

Question: Do A's actions fall under the exception of "grave and sudden provocation," and can the act be considered culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) Yes, A's actions fall under grave and sudden provocation, making it culpable homicide without amounting to murder.

B) No, A's actions do not meet the grave and sudden provocation criteria, thus constituting murder.

C) A's actions can be considered self-defence, reducing the charge to culpable homicide without amounting to murder.

D) No, A's actions are intended, making them murder, not culpable homicide.

Question 2: Private Defense

Scenario: X, a homeowner, hears unusual noises late at night coming from their backyard. Upon investigation, X sees an intruder, Y, attempting to enter their house. In the heat of the moment, X grabs a nearby weapon and strikes Y, causing Y's death.

Question: Can X's actions be considered a case of private defence, and can the offence be mitigated to culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) X's actions were a justified form of self-defence, leading to culpable homicide without amounting to murder.

B) No, X's use of lethal force was excessive and not in line with the principles of private defence, thus constituting murder.

C) X's fear of the intruder's intent was reasonable, warranting the application of the private defence exception.

D) X should have called the police instead of resorting to violence, making it murder under Section 302.

Question 3: Exercise of Legal Power

Scenario: Z, a law enforcement officer, is involved in a high-speed chase with a suspect, S, who is driving recklessly and endangering the lives of pedestrians. To stop S, Z fires a shot that unintentionally hits S, resulting in S's death.

Question: Can Z's actions be categorized under the exception of "exercise of legal power," and can the offence be reduced to culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) Z's actions were in exercising legal power to protect public safety, making it a culpable homicide and not murder.

B) No, Z's use of deadly force was excessive and not justifiable under the exercise of legal power, constituting murder.

C) Z had a duty to neutralize the reckless suspect, justifying the use of force and warranting culpable homicide not amounting to murder.

D) Z should have pursued other methods to stop the suspect without resorting to lethal force, making it murder under Section 302.

Question 4: Consent in Passive Euthanasia

Scenario: M, a close family member of a terminally ill patient, P, administers a lethal dose of medication to relieve P's suffering. M believes that P's life has become unbearable due to the illness and that helping with the drug is an act of mercy.

Question: Can M's actions be considered an application of the exception related to "consent in the case of passive euthanasia," and can the offence be mitigated to culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) M's act was carried out with P's consent and to alleviate P's suffering, warranting culpable homicide not amounting to murder.

B) No, euthanasia is illegal in India, making M's actions tantamount to murder under Section 302.

C) Yes, M's belief that P's life was unbearable and the act of mercy justifies reducing the offence to culpable homicide, not murder.

D) M should have sought legal authorization before administering medication, making it murder under Section 302.

Question 5: Intention and Premeditation

Scenario: R and S, business partners, have faced financial difficulties for some time. R becomes convinced that S is embezzling funds from the company, causing their economic downfall. In a heated argument, R picks up a knife from the desk and stabs S, resulting in S's death.

Question: Do R's actions involve premeditation and intention to commit murder, or can they be categorized as culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) Yes, R's belief about embezzlement shows premeditation, making it murder under Section 302.

B) No, R's actions result from sudden rage and provocation, fitting the criteria of culpable homicide without amounting to murder.

C) R's decision to use a lethal weapon suggests an intention to kill, constituting murder.

D) No, R's financial difficulties make it a case of self-defence, leading to culpable homicide not amounting to murder.

Question 6: Extended Private Defense

Scenario: T, a shop owner, is attacked by a group of assailants who attempt to rob his store. In the struggle, T manages to grab one of the assailant's weapons and use it to defend himself. In the process, T accidentally kills one of the assailants.

Question: Can T's actions be considered an extended form of private defence, and can the offence be mitigated to culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) T's actions were in self-defence against a group of assailants, making it culpable homicide without amounting to murder.

B) No, T's use of deadly force was excessive, considering he already had control over the situation, constituting murder.

C) T's fear for his life and property justifies his actions, warranting the application of the extended private defence.

D) No, T should have surrendered to the assailants to avoid any loss of life, making it murder under Section 302.

Question 7: Sudden Fighting and Provocation

Scenario: U and V, neighbours, get into a heated argument over a property boundary dispute. The argument escalates into a physical altercation, during which U, in a fit of anger, pushes V, who falls and hits their head on a hard surface, resulting in V's death.

Question: Do U's actions fall under sudden fight and provocation, making it culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) U's actions resulted from sudden rage during the altercation, fitting the criteria of culpable homicide without amounting to murder.

B) No, U's use of force was excessive and intentional, indicating murder under Section 302.

C) Yes, U's reaction was impulsive and provoked, justifying the application of the sudden fight and provocation exception.

D) you should have sought legal mediation instead of resorting to violence, which constitutes murder under Section 302.

Question 8: Consent and Assisted Suicide

Scenario: W, a close friend of X, helps X commit suicide by providing him with the means to end his life painlessly. X had been suffering from a terminal illness and wanted to end their suffering.

Question: Can W's actions be considered an application of consent and passive euthanasia, and can the offence be mitigated to culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) W's act was carried out with X's consent and to alleviate X's suffering, warranting culpable homicide not amounting to murder.

B) No, assisted suicide is illegal in India, making W's actions tantamount to murder under Section 302.

C) W's belief in ending X's pain justifies reducing the offence to culpable homicide, not murder.

D) W should have sought medical intervention to address X's suffering, making it murder under Section 302.

Question 9: Mitigation of Legal Power

Scenario: Y, a police officer, is pursuing a suspect, Z, resisting arrest. Y accidentally strikes Z with a baton during the scuffle, causing a fatal injury.

Question: Can Y's actions be considered a mitigation of legal power, and can the offence be reduced to culpable homicide not amounting to murder under Section 304 of the IPC?

Options: A) Yes, Y's use of force was within the bounds of law enforcement, warranting culpable homicide but not murder.

B) Y's use of force resulted in an unintended death, constituting murder under Section 302.

C) Yes, Y intended to apprehend the suspect, justifying the application of mitigation of legal power.

D) Y should have called for backup instead of engaging in a physical confrontation, making it murder under Section 302.

Question 10: Murder with Premeditation

Scenario: Z, a hired hitman, receives an assignment to eliminate Y due to a personal vendetta. Z meticulously plans the murder, stalks Y for several days, and then executes the plan by shooting Y in a secluded area.

Question: Do Z's actions exhibit premeditation and intention to commit murder, categorizing them as murder under Section 302 of the IPC?

Options: A) Yes, Z's deliberate plan and execution establish clear intent for murder under Section 302.

B) No, Z's vendetta could constitute culpable homicide without amounting to murder under Section 304.

C) Z's act can be justified under the exercise of legal power, reducing the charge to culpable homicide, not murder.

D) No, Z's planned act can be considered self-defence under exceptional circumstances, making it culpable homicide without murder.

Answers

1. Correct Answer: B) No, A's actions do not meet the grave and sudden provocation criteria, thus constituting murder.

Explanation: In this scenario, the malicious rumours do not constitute a grave and sudden provocation that can lead to a reduction from murder to culpable homicide, not amounting to murder. The situation does not involve A's immediate and sudden loss of self-control due to a provocative act, which is necessary for invoking this exception.

2. Correct Answer: B) No, X's use of lethal force was excessive and not in line with the principles of private defence, thus constituting murder.

Explanation: While the private defence is a valid exception, it requires that the use of force be proportionate to the threat faced. In this scenario, X's use of lethal force against an intruder not posing an immediate threat to life might not qualify for private defence, making it murder under Section 302.

3. Correct Answer: B) No, Z's use of deadly force was excessive and not justifiable under the exercise of legal power, constituting murder.

Explanation: The exercise of legal power requires that the force used be reasonable and necessary to achieve the lawful purpose. In this case, Z's use of deadly force might be seen as disproportionate and excessive, making it murder rather than the lesser charge of culpable homicide.

4. Correct Answer: B) euthanasia is illegal in India, making M's actions tantamount to murder under Section 302.

Explanation: Passive euthanasia, even if carried out to relieve suffering, is not legally permissible in India. Euthanasia is considered illegal, and taking a person's life, even with their consent, would still amount to murder under Section 302 of the IPC.

5. Correct Answer: B) No, R's actions result from sudden rage and provocation, fitting the criteria of culpable homicide without amounting to murder.

6. Correct Answer: A) T's actions were in self-defence against a group of assailants, making it culpable homicide without amounting to murder.

7. Correct Answer: A) U's actions resulted from sudden rage during the altercation, fitting the criteria of culpable homicide without amounting to murder.

8. Correct Answer: B) assisted suicide is illegal in India, making W's actions tantamount to murder under Section 302.

9. Correct Answer: A) Y's use of force was within the bounds of law enforcement, warranting culpable homicide but not murder.

10. Correct Answer: A) Z's deliberate plan and execution establish clear intent for murder under Section 302.

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