

Legal Reasoning Questions for CLAT | QB Set 15

In the Bharatiya Nyaya Sanhita, 2023, there are seven general exceptions that provide legal defences to individuals, allowing them to escape criminal liability under specific circumstances. These exceptions consider factors such as intent, consent, and necessity, ensuring fairness in the legal system. One key exception is the mistake of fact, where an individual unknowingly commits an unlawful act, believing it to be lawful. For instance, if someone mistakenly takes another's property thinking it's their own, they can claim this defence. Another important exception is judicial acts, where judges or officials performing their lawful duties, such as delivering judgments, are protected from criminal liability. The accident exception also applies when an unintentional act, done without negligence, causes harm, such as accidentally injuring someone while performing a lawful task.

Further exceptions include absence of criminal intent, which applies when an individual's actions lack the necessary mental state (*mens rea*) to constitute a crime. For example, unknowingly causing harm without intending to do so can be excused under this exception. The act done by consent exception shields individuals from liability if their actions are done with the voluntary consent of the affected parties, such as in a consensual fight. A trifling act, which refers to minor or insignificant offences that cause little harm, may not warrant criminal prosecution, such as minor unintentional trespassing.

Lastly, the private defence exception allows individuals to use necessary force to protect themselves, their property, or others from immediate harm. This defence is valid if the response is proportional to the threat, ensuring that individuals can protect themselves without facing criminal charges for acting in self-defence.

Questions

Question 1:

Ravi is mistakenly handed his neighbour's wallet by a cashier after they both make purchases at the same store. Believing the wallet to be his own, Ravi takes it home. The neighbour later accuses Ravi of theft. Can Ravi invoke the mistake of fact defence under the BNS to avoid criminal liability?

- (a) No, because taking someone else's wallet, even by mistake, is still an offence.
- (b) Yes, because Ravi did not have knowledge of the mistaken identity of the wallet, and his actions were based on an honest belief.

- (c) No, because mistake of fact does not apply to acts of theft.
- (d) Yes, because the neighbour should have taken better care of his wallet.

Question 2:

A judge presides over a criminal trial and delivers a judgment sentencing the accused to imprisonment. After the judgment, it is discovered that the sentence was harsher than allowed by law. The accused's family files a criminal complaint against the judge, claiming that the judge should be held liable for causing harm. Can the judge claim immunity under the exception of judicial acts in the BNS?

- (a) Yes, because the judge was performing a judicial act and cannot be held criminally liable for errors in judgment.
- (b) No, because the sentence exceeded legal limits, which constitutes criminal misconduct.
- (c) Yes, but only if the judge can prove that the mistake was unintentional.
- (d) No, because judicial acts are only immune if they do not harm the accused.

Question 3:

Amit, while playing cricket, hits the ball hard and unintentionally strikes a passerby, causing a minor injury. The passerby files a complaint against Amit, accusing him of causing harm. Amit argues that the injury was purely accidental, as he was lawfully engaged in a game and had no intent to harm anyone. Can Amit claim the accident defence under the BNS?

- (a) No, because causing physical harm, even accidentally, is a criminal offence.
- (b) Yes, because the injury occurred during a lawful activity, and Amit had no criminal intent.
- (c) No, because engaging in sports in a public area makes Amit liable for any harm caused.
- (d) Yes, but only if Amit compensates the injured party.

Question 4:

Priya accidentally spills hot coffee on another customer at a café, causing burns. She was unaware that the cup had a defect that caused the spill. The injured customer sues Priya for criminal negligence. Priya argues that she did not have the criminal intention to cause harm and had no knowledge of the defect. How should the absence of criminal intent affect Priya's liability under the BNS?

- (a) Priya is still liable for causing harm, regardless of her intent.
- (b) Priya's lack of intent reduces her liability, but she may still face punishment.
- (c) Priya cannot be held criminally liable, as there was no criminal intention or awareness of the defect.
- (d) Priya must compensate the injured party, but she cannot claim the defence of lack of intent.

Question 5:

Raj is attacked by a stranger in a dark alley. To defend himself, Raj punches the attacker in the face, knocking him unconscious. The attacker later files a complaint against Raj for assault. Can Raj invoke the defence of private defence under the BNS to justify his actions?

- (a) No, because Raj should have called the police instead of attacking.
- (b) Yes, but only if the attacker was carrying a weapon.
- (c) No, because knocking the attacker unconscious was excessive force.
- (d) Yes, because Raj acted to protect himself and used reasonable force in the face of an imminent threat.

Answers & Explanations**Answer to Question 1:**

Correct Answer: (b) Yes, because Ravi did not have knowledge of the mistaken identity of the wallet, and his actions were based on an honest belief.

Explanation: Under the **mistake of fact** defence in the BNS, if Ravi genuinely believed that the wallet was his, he lacked the **mens rea** (criminal intent) required for theft. Therefore, his actions were based on an honest mistake of fact, and he cannot be held liable.

Answer to Question 2:

Correct Answer: (a) Yes, because the judge was performing a judicial act and cannot be held criminally liable for errors in judgment.

Explanation: The BNS provides immunity to judges performing **judicial acts** during the course of their duties, even if errors are made. As long as the judge was acting within the scope of judicial functions, criminal liability cannot be imposed.

Answer to Question 3:

Correct Answer: (c) Yes, because the injury occurred during a lawful activity, and Amit had no criminal intent.

Explanation: Amit can claim the **accident** defence under the BNS because the injury was not caused intentionally or recklessly. He was engaged in a lawful activity (playing cricket), and the harm was accidental, thus exempting him from criminal liability.

Answer to Question 4:

Correct Answer: (c) Priya cannot be held criminally liable, as there was no criminal intention or awareness of the defect.

Explanation: Since Priya had no **criminal intention** and was unaware of the defect in the

cup, she cannot be held criminally liable for the harm caused. The absence of intent is a valid defence under the BNS when no negligent or intentional act is involved.

Answer to Question 5:

Correct Answer: (d) Yes, because Raj acted to protect himself and used reasonable force in the face of an imminent threat.

Explanation: The BNS provides a defence of **private defence** to individuals who act to protect themselves from an immediate threat. Raj's use of force was proportionate to the situation, as he was defending himself from an attack, and thus he can invoke this defence.