

School of Law

**Master of Law
Semester End Examination - Jun 2024**

**Duration : 180 Minutes
Max Marks : 100**

Sem II - J1PD202T - Sentencing and Criminal JusticeGeneral Instructions

Answer to the specific question asked

Draw neat, labelled diagrams wherever necessary

Approved data hand books are allowed subject to verification by the Invigilator

- 1) Why there is judicial discretion in sentencing? Do you think there is a need for sentencing guidelines? K2(6)
- 2) Draw a Difference between Retributive theory and Deterrent theory of Punishment. K2(6)
- 3) What is the meaning of Decriminalization? Which of the laws in India have been decriminalized in recent years? Elaborate with at least 2 examples. K3(6)
- 4) What are the Various Recognised Rights of Arrested Persons. Discuss in the light of various Judicial Pronouncements K3(6)
- 5) What do you understand by probation of offender? Explain the origin and concept of probation systems K5(10)

OR

Explain various forms of punishments and purpose for which punishments are imposed. Also Explain the role of parole as reformative technique K5(10)

Answer any two questions from 6, 7 and 8.

- 6) Explain the effect and case laws on delay in deciding the mercy petitions. Is there any time frame in which the President or governor is supposed to decide. ? Comment K5(15)
- 7) Critically evaluavate the doctrine of rearest of rare cases in relation to death penalty with the help of various case laws. K5(15)
- 8) Explain the Concept of plea-bargaining with relevant provisions of Crpc. Explain the various exceptions to plea bargaining. K5(15)

Answer any two questions from 9, 10 and 11.

- 9) The Supreme Court of india in the case of Sunita Devi Vs. State of K6(18)

Bihar and Ors (2024) observed that the Sentencing shall not be a mere lottery. It shall also not be an outcome of a knee-jerk reaction. This is a very important part of the Fundamental Rights conferred under Articles 14 and 21 of the Constitution of India, 1950. Any unwarranted disparity would be against the very concept of a fair trial and, therefore, against justice. in the light of above statement discuss the importance, need and Significance of sentencing policy in india.

- 10) “Before opting for death penalty, a balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and mitigating circumstances.” Discuss. K6(18)
- 11) Caldwell observed, “Punishment is an art which involves balancing of retribution, deterrence and reformation in terms not only of the Court but also of the values in which it takes place and in the balancing of these purposes of punishments, first one and then the other receives emphasis as the accompanying conditions change.” Discuss the Various Theories of Punishment developed From time to time, also discuss their contemporary relevance. K6(18)