



**CLAT 2024**  
**RANBHOO MI**  
**THE FINAL SPRINT**

— THE CLAT COMBAT —  
**THE LEGAL EAGLE**



**LEGAL REASONING**

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## THE CLAT COMBAT

### Legal Reasoning 5

Sec 82 of IPC states that Nothing is an offense which is done by a child below 7 years.

Sec 83 states that “Act of a child above seven and under twelve of immature understanding. —Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.”

Immunity is not given to children aged 12 years and above . The date of the commission of the offence should be recognized as the date for determining the age of the accused.

Children can make wrong decisions sometimes and they don't deserve the same kind of treatment as a well grown adult should, for this whole purpose , under JJ Act, child delinquency is not punished with the same severity instead they are sent to special juvenile detention centres to make them understand how did they harm the society and give them a chance to rectify it. The criminal justice system often swings between the three theories of deterrence, retribution and reformation depending on its convenience.

The Act offered provisions to allow trials of juveniles in the age group of 16-18 years as an adult who were found to be in conflict with the law, especially heinous crimes.

Source : Extracted ( with edits and revisions) An excerpt from article titled “Juvenile justice law: Person with maturity must not get blanket immunity from criminal process”, published on ‘TheIndianExpress’.

1. Vidyut – the accused aged 11 years had a dispute with Vimal in relation to an earlier attack on Vidyut's father. Vidyut , armed with a sharp weapon, along with his elder brothers, gave several blows to Vimal on his vital body parts, causing the death of Vimal. Vidyut was charged with murder under Section 302 of the IPC. The Court analyzed the medical evidence, which showed that Vidyut was armed with a cutting instrument and set upon Vimal using the sword on his neck. The autopsy evidence disclosed that the injuries caused by Vidyut were not the lethal ones but multiple swords cuts on the neck of a man. Decide.

(a) The Court will reject the defence of Vidyut as there is little room for doubt in the ordinary run of cases as to his intent.

(b) The Court will accept the defence as Vidyut has not attained sufficient maturity and the act has been done in furtherance of fit of rage.

(c) The Court will reject the defence of Vidyut as it is a heinous offence .

(d) Vidyut will be protected under Sec 83 of IPC.

2. Assume that Juvenile Justice Act provides for the rehabilitation of the delinquent juveniles in case they are found in conflict with law i.e. court comes to conclusion that a particular crime or offence has been committed by such delinquent juvenile. Which one of the following correctly describes the Principles basis of sentencing policy as envisaged in JJ Act for the sentencing of delinquent Juveniles? Decide.

(a) Reformative (b) Retributive (c) Deterrence (d) Both (a) and (b)

3. Viman and Vinya are in same school. Viman aged 17 years is deeply in love with Vinya aged 14 years. Viman proposed Vinya on several occasions to which Vinya politely denied . However, Viman did not give up. One day Viman got to know from his classmate that Vinya is dating her classmate Vidit. Viman faced off with Vidit which resulted into a fight. Next day . Viman stabbed Vidit and cut his dead body into several pieces. He further threw all these pieces in various locations of the city. Viman was presented before the court. Decide.

(a) Viman will be tried as an adult as he has committed Heinous offence.

(b) Viman will be tried under JJ Act and will be send to correctional Home.

(c) Viman will be tried under IPC.

(d) Insufficient Information

4. Vidhan aged 7 year quarrelled with Vikas and threatened to cut Vikas into pieces. The next day Vidhan picked up the knife and actually stabbed Vikas to death. The defense under Section 82 of the Indian Penal Code was pleaded by Vidhan. Vidhan's words, gesture, assault, keeping a knife and ultimately stabbing Vikas proved that Vidhan had the knowledge and understanding of the consequences of his actions. Decide.

(a) Vidhan will get a blanket immunity under Sec 82 of IPC.

(b) Vidhan will be tried as he was mature enough to understand the consequences of his action.

(c) Vidhan will be tried as adult as he has committed heinous offence.

(d) Inadequate Information.

5. Vidhi aged 12 years was studying in 7th standard in Indore .While she was going to school and was returning to the house from the school Vidyut aged 11 years and other accused were following and eve-teasing her. On 20.01.2023 in the morning 8.30 am when as usual Vidhi in order to go to school came to the bus-stand and was waiting for the bus to go to school and therein Vidyut and other accused came in a motorcycle and among them Vidyut forcibly took Vidhi on the motorcycle with the help of other two accused and went to Ujjain .There he forcibly committed offence of aggravated penetrative sexual assault by stripping off of the clothes of Vidhi. Vidyut's birthday was on 21st January

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.Vidyut was presented before the court on 23rd January'23. In the Court Vidyut plead defence of lack of maturity to understand the consequences of his actions. Decide.

(a) The court will consider the maturity of Vidyut under Sec 83 of the Act before convicting him.

(b) The court will not consider the maturity of Vidyut as Vidyut is aged 12 already the day he is presented before the court.

(c) Vidyut will be tried as adult for committing heinous offence.

(d) Vidyut will get a blanket protection under Sec 82 of IPC.

### 1. Ans. a

Sol. The Correct Answer is option (a) Vidyut is aged 11 years, hence Sec 83 is applicable in this case, under which a child's culpability is decided on the basis of the maturity possessed by him or her. Vidyut's act of stabbing Vimal with a sharp weapon (multiple times) shows that he has attained sufficient maturity of understanding to judge the nature and consequences of his act. Hence, Vidyut will be held liable. And Hence Option (b) is ruled out. Option (c) is not the right answer as the severity of the offence is immaterial with respect to the age group above 7 and below 12. Option (d) cannot be the answer as Sec 83 do not give blanket protection for the children above 7 and below 12 years of age.

### 2. Ans. (a)

Sol. It is mentioned in the question itself that Juvenile Justice Act provides for rehabilitation of the delinquent juveniles in case they are found in conflict with law, which itself describes the principles basis of sentencing policy as reformation, as the system is trying to rehabilitate ie. to reform the juvenile. Correct answer is (a) only.

### 3. Ans. d

Sol. The passage mentions that The Act offered provisions to allow trials of juveniles in the age group of 16-18 years as an adult who were found to be in conflict with the law, especially heinous crimes. To prevent incidents like Nirbhaya Rape case in the future an amendment was passed that in matters of atrocious crimes like murder and rape; 16-18 year olds would be tried and convicted as adults. Heinous offences are those offences where Punishment is 7 years or more. However, the same has not been mentioned in the passage. Hence, the correct answer will be (d) as It cannot be ascertained if Viman has committed a heinous offence.

### 4. Ans. d

Sol. The correct answer is option (d). Sec 82 states Nothing is an offense which is done by a child 'below 7 years'. Whereas, Section 83 states about the action of Act of a child above seven and under twelve of immature understanding. The Provisions are silent about the act done by child aged 7 years. In such position, it is open to interpretation by the courts. The Supreme has given benefit of doubt to the accused child in such cases, hence the action of child aged 7 years will be considered under Sec 82 of IPC- Blanket Immunity for the actions. However, this information is not mentioned in the passage. Hence, answer is (d). The students are expected to be within the ambit of passage while applying their reasoning.

### 5. Ans. a

Sol. As has been mentioned in the passage "The date of the commission of the offence should be recognized as the date for determining the age of the accused.", rather than the age on which the accused child is presented before the court. Considering the same, Vidyut was aged 11 (To be considered under Sec 83 of IPC) on the date of commission of offence, hence before convicting him the court will determine if he was mature enough to understand the consequences of his action. Hence the right answer is option (a).