

# Detailed Performance Report (DPR)



Name of Student :

Level :

CS Executive

## Detailed Analysis & Findings

Subject

Total Marks

Marks Obtained **31/50**

## Key Observation

- ☐ Content writing towards the question being explained in proper manner
- ☒ All the points towards the answer being covered in accurate manner
- ☐ Try to Quote the section
- ☐ Provisional aspects towards the answer should be explained in more detailed manner
- ☐ Conclusion towards the answer should be mentioned in complete manner
- ☐ Other more of the missing points to be explained in proper manner
- ☐ Headpoints to be written in proper manner.
- ☒ Elaboration of all the points towards the answer needs to be explained in detailed manner
- ☐ Technical terms towards the answer should be elaborated in proper manner
- ☒ Conclusion towards the answer being explained in inappropriate manner
- ☒ Provisions towards the answer explained is not much relevant with the question being asked
- ☒ Underline the important terms
- ☐ Wrong Section Mention
- ☒ Need to Avoid Short forms

## Overall Observation

- |                              |   |   |   |   |
|------------------------------|---|---|---|---|
| Conceptual Clarity :-        | <input checked="" type="checkbox"/> Excellent | <input type="checkbox"/> Average                          | <input type="checkbox"/> Bad                | <input type="checkbox"/> Not Satisfactory |
| Section / Para / SA No. :-   | <input type="checkbox"/> Written & Correct    | <input checked="" type="checkbox"/> Written But Incorrect | <input type="checkbox"/> Not Written at all |   |
| Provision/Conclusion Aspects | <input checked="" type="checkbox"/> Excellent | <input type="checkbox"/> Average                          | <input type="checkbox"/> Bad                | <input type="checkbox"/> Not Satisfactory |
| Presentation :-              | <input checked="" type="checkbox"/> Excellent | <input type="checkbox"/> Average                          | <input type="checkbox"/> Bad                | <input type="checkbox"/> Not Satisfactory |
| No of Q. Attempted :-        | <input type="checkbox"/> Many                 | <input checked="" type="checkbox"/> Moderate              | <input type="checkbox"/> Less               |   |

**"The difference between ordinary & Extra-ordinary is Practice"**



Name : Aditi Jaiswal

Subject : JIGIL

Date : 8/10/24

Chapters : CPC, CRPC, Constitution

### Answer to Ques. 1(a)

⇒ Under Section 499 of the Indian Penal Code, 1860 criminal defamation is a punishable offence which occurs when a person intentional or unintentionally publishes a statement or imputation that harms the reputation of another person among the right-minded members of the society and makes him avoid or shun others.

⇒ This can be done through words, spoken or written, signs, pictures. If it is done in a permanent-form through written words, pictures, caricatures, etc., it is known as libel defamation. If it is done through spoken words or symbols, it is known as i.e., in temporary / transient form, it is known as slander.

cutting degrades answer presentation

⇒ For defamation, it must be noted that the statement shall be false and must have the potential to lower the reputation of a person among the



eight - thinking members of society.

Ans. to Ques 1 (b)

(1) PROVISION OF LAW :

⇒ As per Section 438 of the Criminal Procedure Code, 1973, a person may apply for bail before being arrested for a non-bailable offense. Such bail is known as an anticipatory bail.

Explanation of answer towards the question should be more specific and conclusion towards the answer to be mention in proper manner.

⇒ It may be granted if the court is satisfied that the accused is not likely to abscond or tamper with evidence.

2.5

⇒ When granting anticipatory bail, the court considers various factors such as nature and severity of the ~~suit~~ offense committed and the background of the accused.

(2) ANALYSIS AND CONCLUSION :

⇒ In the given case, Ali Khan and John Austin have committed a ~~a~~ defamation which is a bailable offence.



Hence in the given situation application of Ali Khan and John Austin is non-maintainable.

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Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

⇒ Thus, the accused have a right to ~~file~~ file an application ~~for~~ anticipatory bail. Hence, ~~their~~ their application is maintainable.

[Ans. to Ques. 1(c)]

(1) PROVISION OF LAW :

⇒ As per the provision of law, defamation is of two types, libel and slander.

⇒ Where the defamation is committed of permanent form through written words, pictures, micrography, caricatures, statues, etc., it is known as Libel.

⇒ Defamation in transient or temporary form through spoken words, symbol, etc., is known as Slander.

A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father—A is within this exception.

In the given situation, the complaint made may not lead to defamation.

(2) ANALYSIS AND CONCLUSION :

⇒ In the given case, the complaint filed by Ali Khan and John Austin against Sister Mary Beeno leads to libel Defamation because it is in written form, which shall constitute a permanent form of publication.

conclusion towards the answer should be explain in specific manner.



Where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts.

### Provision of

1. ⇒ As per the applicable provision of law, the jurisdiction of a court to try a civil suit "where wrong done to the person" depends on the nature of wrong and the ~~com~~ amount of compensation sought thereby as a result of the suit.
- ⇒ Generally, civil suits for defamation can be filed in district courts.
- ⇒ However, where compensation sought ~~for~~ in a suit is less than ₹10 lakhs, the suit can be filed in a small cause court.

### Ans. to Ques. 1(a)

1. ⇒ Publication of defamatory ~~statements~~ words implies making a defamatory matter known to a third person not previously aware.
- ⇒ It must be conveyed to a person other than ~~that~~ the one being defamed.

Publication of defamatory words' means the making known of the defamatory matter after it has been written to some person other than the person of whom it is written. The ambit of 'publish' is very wide. The publication of defamatory matter means that it is communicated to some person other than the person about whom it is addressed. In essence, publication is the communication of the statement to any third party i.e. not the claimant or the defendant.



- ⇒ It can be communicated through written words, spoken words, printing, or electronic communication.

[Ans. to Ques 1 (f)]

- ⇒ As per the provisions of the Limitation Act, 1963, compensation in defamation is ~~1 year~~ one year from date of publication of defamatory statement.

- 2 ⇒ This implies that a civil suit must be filed within one year of such act. However, the day on which cause of action accrues is excluded from computation of the limitation period.

cutting degrades answer presentation



(1)

Ans. to Ques. 2 ~~(1)~~

(1) PROVISION OF LAW :

⇒ As per the doctrine of *ex post facto*, enshrined in Article 20(1) of the Constitution of India, imposition of a harsher punishment for an offence committed prior to enactment of a law prescribing the harsher punishment is prohibited.

⇒ *Ex post facto* implies "after the fact". This doctrine prohibits the retrospective effect of the law to punish the offender with a higher penalty on grounds of fairness.

(2) ANALYSIS :

→ In the given case, Sujay committed an offence of dacoity in 2015 when it was punishable with an imprisonment of 10 years.

→ This law was amended in 2016 during his trial to prescribe life imprisonment for the offense.



→ Since the amendment act was enacted post commission of the offence, thus, the doctrine of ex post facto shall apply.

(3) **CONCLUSION** :

→ Applying the provision of law, Sujay shall be ~~punishable~~ punished with an imprisonment of 10 years since the ~~doctrine~~ prohibits the retrospective impact of the amending law.

content writing towards answer explanation is good.

**Ans. to Ques. ~~2(1)~~ 2(2)**

→ As per the Civil Procedure Code, 1908 review and reference are various remedies provided under the law to cater ~~various~~ different situations.

→ Under Section 113, where a court <sup>in which suit has been instituted</sup> before judgement ~~in~~ refers the case in High Court for an opinion to make ~~an~~ order it deems fit, is known as reference.

→ This transfer can be initiated by court itself due to factors such as complexity of matter or ~~due to~~



on the request of a party to the case.

- The purpose of reference is to ensure that the case is heard in a court more competent so as to pass the most appropriate judgement.
- Under Section 114, Review can be filed by any person aggrieved of the judgement to the court which passed decree/order on the ground of :
  - (i) discovery of a new & important matter or evidence after decree or order was passed; or
  - (ii) mistake/errata apparent on the face of record; or
  - (iii) any other sufficient cause.
- The aggrieved party may appeal to a higher court - (generally high court/district court or Supreme Court for review. revision by
- The purpose of review is to ensure justice is done and law is applied correctly.



## Ans. to Ques. 3 (i)

### 1. PROVISION OF LAW :

- ~~As per the relevant section of the Indian Penal Code, 1860, misappropriation of property refers to obtaining unlawfully from the possession of a person having the property lawfully and converting it to his own use.~~
- As per the provision of the Indian Penal Code, 1860, misappropriation of property refers to ~~obtaining~~ lawful possession obtained of property and unlawful conversion to his own use by the person guilty.
- There are two key elements to it:
  - (i) property is obtained lawfully by the offender; and
  - (ii) appropriation is done wrongfully by him.

### 2. ANALYSIS AND CONCLUSION :

- In the given case, Araveen takes possession of property belonging to Ganesh in good faith believing that the property belonged to him.



- Later on, he discovers his mistake and realizes the property belonged to Ganesha yet he wrongfully appropriates the property to his benefit.
- Thus, applying the provision of law, it is clear that Praveen is guilty of misappropriation of property and shall be punishable for the same.

content writing towards answer explanation iis mention in proper manner

### Ans. to Ques. 3C2)

- As per Article 301 of the Constitution of India, trade, commerce and intercourse throughout the territory of India shall be free. This is a fundamental right ensuring freedom of trade within the country.
- However, this right is not absolute. The constitution provides various exceptions to ensure this freedom does not conflict with the interests of State.
- The State can restrict any trade or commerce on grounds of public interest, to ensure equitable



distribution of essentials such as water, electricity, etc. and prevent monopolies or for the development of a region.

→ Among the three lists, Concurrent list grants both central and state government to legislate matters relating to trade and commerce. ~~This can lead to overlapping of laws~~

→ It must be noted that restrictions can be of imposed of reasonable nature. Example: Regulation by government on production and sale of essential commodities such as electricity, gas cylinders, etc.

→ The state can impose regulations relating to trade with foreign countries for public interest or for development of Indian domestic market. Example: Ban on Chinese apps and restricted import of goods from China for public welfare and safety.

cutting degardes answer presentation

Try to quote the section and write all the headings while starting the explanation of the answer.



Ans. to Ques. 4 (C)

underline important terms

- As per Section 11 of the Civil Procedure Code, 1908, the doctrine of Res Judicata ~~may~~ <sup>shall</sup> be applied to cases with an aim to prevent multiplicity of suits in respect of same cause of action.
- This ~~max~~ doctrine is based on the maxim that "no one shall be twice vexed ~~for~~ the same offence."
- It implies ~~that~~ bar on suit with a matter already judged.
- It says that once there is res judicata, then the case shall not be ~~of~~ adjudicated again.
- It applies when the below given 4-conditions are satisfied:
  - (i) the matter in issue is directly and substantially same as the matter in earlier case;
  - (ii) the suit ~~instituted~~ is between same parties;
  - (iii) parties have litigated under the same title; and
  - (iv) the case was decided by a competent court having jurisdiction.



- As per Section 10, the doctrine of Res Subjudice may be applied when a suit is filed between same parties, in a matter directly and substantial same in the earlier suit, where the two suits are filed at different times and the earlier suit was pending to ensure that court's time is saved.
- Further, the doctrine of Constructive Res ~~S~~ Judicata may apply where court is of the opinion that the subject matter of a later suit is an issue which is connected to the previous suit and should have been raised therein, to avoid to avoid multiplicity of suits. Hence, the later suit would be barred.
- Further, where multiple suits are pending before same court involving the same cause of action, the court may order consolidation of suit into a single proceeding.
- Furthermore, the court may order transfer of a suit filed subsequently to the court where previous suit is pending.

the concepts towards the respective chapters have a good grip and its explanation towards the question is also good



Ans. to Ques. 4C2)

Try to write proper and specific section.

→ As per Section 415 of Indian Penal Code, 1860, whoever cheats any person by falsely representing himself to be a person whom he ~~to~~ knows or believes to be respected by the ~~cheating~~ person cheated, or by falsely representing himself to have authority which he knows or believes he does not have and thereby induces the person to be fooled by such description shall be liable for cheating by ~~imp~~ personation.

1.5

→ Such a person shall be guilty of fine and/or imprisonment as maybe prescribed by law.

→ The key elements of cheating by personation are :

- (i) False representation
- (ii) Intent to deceive
- (iii) Reliance of victim.

→ The act of deception by a ~~can~~ person which harms the victim constitutes cheating by personation.