

Universitatea Babeș-Bolyai Cluj-Napoca
Facultatea de Drept
Examen

Numele studentului:

ID:

BAREM V1

Drept penal. Partea generală (I)

Data examinării: 07.02.2019

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Varianta de test:

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Zona de antrenament

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Atentie!

- Nu incercati pixul si nu faceti nici un fel de insemnari in afara zonei de antrenament, in special in afara zonei delimitate de cercurile groase!
- Nu uitati sa marcati varianta de test. Altfel testul nu se poate evalua!

Universitatea Babeș-Bolyai Cluj-Napoca
Facultatea de Drept
Examen

Numele studentului:

Drept penal. Partea generală (I)

Data examinării: 07.02.2019

ID:

BAREM V2

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Varianta de test:

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Zona de antrenament

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DREPT PENAL. PARTEA GENERALĂ I
BAREM
7 februarie 2019

Speța 1 – 3 p.

1. Greșeli rechizitoriu / solicitări inculpați

R

- Nu e loviri, ci tentativă de omor (zona vizată – nu lezată, instrumentul folosit) (0,50)

T

- nu poate fi reținută cauza justificativă a exercitării unui drept în sfera dreptului de corecție nu sunt incluse violențele fizice, chiar de mică intensitate (0,50)

- lovirea lui J nu e în formă continuată, 2 rezoluții distincte (0,25)

- lovirea lui R nu e act de pregătire pentru tentativa de omor (0,25)

M

Nu produce efecte consimțământul, valoarea socială lezată nu aparține lui T (0,50)

2. Soluția

R nu răspunde - exces neimputabil de legitimă apărare (0,25)

Pentru T

se reține cauza de nepedepsire a împiedicării producerii rezultatului (0,50)

dar răspunde pentru lovire / vătămarea corporală (0,25)

Speța 2 – 3 p.

1.

Greșeli rechizitoriu

- nu e ucidere din culpă, ci omor, răspunde pentru omisiune, nu pentru comisiune (poziție de garant, acțiunea anterioară, prevede rezultatul) (0,50)

Susțineri

Producerea accidentului

- nu e caz fortuit, nu era absolut imprevizibil (anvelope foarte uzate) (0,50)

Părăsirea locului accidentului

- nu e constrângere fizică (0,50)

- nu e SN (nu există stare de pericol) (0,25)

Tentativa de omor față de S

- nu e f. continuată - unit sp-temp. (UNC) (0,50)

2.

După hotărârea definitivă nu poate fi valorificată cauza justificativă (0,50)

pedeapsa se va reduce la maximul pedepsei închisorii din L2 (0,25)