

BAREM

Universitatea Babeș-Bolyai Cluj-Napoca
Facultatea de Drept
Examen

Numele studentului:

ID:

Drept penal. Partea generală (II)

Data examinării: 2019-06-10 00:00:00

VAR 1

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| 1 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
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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!

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Facultatea de Drept
Examen

Numele studentului: _____

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Drept penal. Partea generală (II)

Data examinării: 2019-06-10 00:00:00

VAR 2

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| 1 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
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Varianta de test:

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Zona de antrenament

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DREPT PENAL. PARTEA GENERALĂ II
BAREM
10 iunie 2019

Speța 1 – 3,5 p.

1. Greșeli rechizitoriu / soluție instanță

- Nu e coautorat la tâlhărie (nu există legătură subiectivă) 0,25
- fiecare autor individual la fapta comisă (X – furt, Y – vătămare) 0,25
- pentru X trebuie să fie reținută circ. agravantă de comitere a infracțiunii profitând de starea de vădită vulnerabilitate a victimei 0,25
- pentru Y trebuie să fie reținută circ. atenuantă a stării de provocare (*error in personam*) 0,50

Susținere X

- Nu e stare de provocare, „amenințarea” lui A nu e ilicită / nu există amenințare 0,25

2.

Forme pluralitate:

- distrugere - vătămare (RPC) 0,25
- distrugere - amenințare (RPC) 0,25
- amenințare - vătămare (concurs) 0,25

Calcul rezultat:

- Valorificare stare de provocare pentru infracțiunea de vătămare (reducere limite de pedeapsă cu 1/3) 0,25
 - Revocare obligatorie suspendare (infracțiuni intenționate comise și descoperite în termen, cel puțin pentru una se aplică pedeapsa închisorii) 0,50
 - Contopire pedepse concurs 0,25
 - Rezultanta de la concurs se adaugă pedeapsa aplicată pentru distrugere în întregime (nu a executat nimic) 0,25
-

Speța 2 (2,5 p.)

- X
- durata pedepsei complementare nelegală 0,25
 - nu trebuia dispusă anularea, ci revocarea liberării condiționate 0,25
 - nu este stare de recidivă postexecutorie, ci postcondamnatorie 0,25
 - restul rămas neexecutat trebuie calculat de la data liberării, nu data comiterii I2 0,50
 - trebuie dispusă confiscarea prin echivalent a scaunului 0,25
 - trebuie reținute circumstanța agravantă a săvârșirii faptei de un major împreună cu un minor 0,50

- Y
- nu va răspunde în calitate de instigator, ci în calitate de complice 0,25
 - măsura educativă trebuia dispusă pe o perioadă de cel puțin 5 ani 0,25