

BOARD OF DEPARTMENTAL EXAMINATIONS

IAS/HAS Officers

August,2006

Paper-No-2 Criminal Case

Time-3 Hrs.

Max. Marks:100

Note:

1. Attempt both the questions.
2. Questions carry the marks indicated against them.

Q.No.1 One Sh.Sita Ram S/O Sh. Daulat Ram, Resident of Sawan Niwas near Board View Hotel, Sanjauli Tehsil and Distt. Shimla (Permanent R/O Village Zhatkadi ,P.O.Tuini, Tehsil & Thana Tuini Distt. Dehradun, Uttranchal ) , aged 40 years has field an application [Annexure-“A” (pages-1-2)] on 19 –11-2003 before the SDM (Urban) Shimla for Protection of his possession stating therein that he is a tenant of the Gujrat Ambuja Company (owner of Sawan Niwas) paying a monthly Rent of Rs.400/- for the last more than one year. He has alleged that One Sh.T.D.Sharma (Corporate Affairs Officer) Gujrat Ambuja Cement Factory/ Company, Sanjauli (Sawan Niwas) threatening Him to out by hook or by crook from the Sawan Niwas without Following the procedure of the law. He has further alleged that There is like hood of breach of peace and the Police Station Sanjauli May kindly be directed to maintain peace and tranquility and to Protect his possession situated at Sawan Niwas near Broad View Hotel.

Sh. T.D. Sharma (Corporate Affairs Officers) of the the Gujrat Ambuja Cement Factory/ Company, Sanjauli has field and Application [Annexure “B”- (pages-3-4)] on 19-11-2003 before S.H.O Police Chowki Sanjauli, Shimla-6 that Sh.Sita Ram is residing for the 20-25 days in the flat of the Company at first floor, Sawan Niwas, Sanjauli by breaking their locks.

Incharge, police Post, Sanjauli has field his report on the application of Sh. Sita Ram dated 19-11-2003 before the SDM (Urban) Shimla on 25-11-2003[Annexure-“C” (Pages-4 (a)-13)]

Sh.T.D.Sharma ( Corporate Affairs Officer), Gujrat Ambuja Cement Factory/ Company has field an application before therin that one Sh. Sita Ram is residing unauthorizedly, wrongly and illegally in the flat of the Company at Sawan Niwas for the last 20-25 days. He has field document in support of his compliant [Annexure-“D” (pages- 14-30)] SDM Shimla (Urban has refered the application of Sh. T.D. Sharma alongwith his statement to S.H.O., Police Station, Dhalli [Annexure-“E” (pages-31-33)]. Incharge Police Chowki, Sanjauli has sent his report to SDM on 25-11-2006 [Annexure “F” (pages-34-38)] . Report of Tehsildar (Urban) is at [Annexure “G”( page-39)] .Statement of Sh. Sita Ram is at { Annexure-“H”(pages-40-42)}.

(Note:- The document mentioned in Annexure “C” page-5 and in Annexure “D” page-14 with regard to sale Deed and Revenue Record are common in both these Annexures, therefore, these documents are appended in Annexure “D” at pages-16 to 30)

- (a) On the basis of above facts make an order in writing and call upon the parties in dispute to state their respective claims with regard to possession. (20)
- (b) Pass an appropriate decision in favour of the party entitled to possession as per the relevant provisions of the Criminal Procedure Code, 1973 as such. (25)
- © Whether there can be attachment and appointment of receiver in this case? (5)

Q.No.-2 (a) Smt. Raj Sood lodged a report on 9<sup>th</sup> June, 1994 with the police That Raj Kumar urf Raju gave beatings to her and threatened her and on Her medical examination greivous and simple injuries were found, on Which FIR No. 358/94 (A-1) was recorded in the police Station, Sadar Under sections 325 and 506 of I.P.C.against accused Raj Kumar. After Investigation, police submitted final report under section 173, Code of Criminal Prcedure, 1973 in the court of the Judicial magistrate Ist Class(I), Shimla for trial of the accused for the offences punishable under sections 325,447 and 506 I.P.C.(A-2).On the basis of A-1 and A-2.frame the charge against the accused.

(15)

- (b) The accused pleaded not guilty to the charge so framed and the Prosecution examined P.W.I. to P.W.9 (A-3) to A-11) and then the statement of the accused u/s 313 Cr.P.C. was recorded (A-12). The accused did not lead any evidence, write a judgement duly supported by reasons for the findings.

(35)