

DEPARTMENTAL EXAMINATION FOR GOVT. OFFICERS/ OFFICIALS-
TEHSILDARS/ NAIB-TEHSILDARS
SESSION- AUGUST, 2005

Time:-3 Hours.

Max.Marks-100

Paper-5 CRIMINAL LAW AND PROCEDURE

Note:1) All questions carry equal marks.

II) Attempt five questions in all taking at least one question

From each part. The answer should be supported with Reasons by quoting relevant provisions of law.

III) Only bare Acts of Cr.P.C., I.P.C. and India Evidence Act are allowed to be consulted. No book having short Notes is allowed.

PART-I INDIAN PENAL CODE:

Q.No.1)

- a) Restraint and confinement.
- b) Force and criminal Force.
- c) Abduction and kidnapping.
- d) Theft and Extortion.
- e) Common intention and common object.

5x 4 = 20

Q.No.2) (a) In what cases the right of private Defence of Property extends to causing of Death.

(10)

(b) What is forgery? What is the punishment provided under the IPC for using as genuine document which is known to be forged?

(5)

© What is meant by criminal breach of trust? State the punishment provided for criminal breach of trust by public Servant, by a carrier and a servant.

(5)

Q.No.3) What offences are committed in the following illustrations and what are the Punishments for these offences?

- a) "X" an police official is attacked by a dog owned by "A" who has actually incited the dog to attack and injure "X".
- b) " X" kills "Y" shooting him with an unlicensed Gun by accident.
- c) "A" knows "B" to be behind the bush. "C" does not know it. "A" intends to cause or knowing it likely to cause "B s" death induces "C" to fire the bush. "C" fires and kills "B".
- d) A, intentionally gives Z sword cut sufficient to cause the death of a man in the ordinary course of nature, Z dies in consequences. Contd/-2

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- e) A , threatens to publish a defamatory libel concerning A, unless Z gives Him money.

PART-II- INDIAN EVIDENCE ACT:

Q.No.1) a) What are the Public documents and private documents? What is the mode of Proof of Public documents and other official documents like orders, Notifications, Proclamation orders, regulations issued by any department and The proceedings of a Municipal Body?

(10)

Q.No.2) a) Who is an expert? What is the evidentiary value of the expert evidence? Whether Excise Officer can be termed as ' Expert' in identifying the Exercisable articles?

(10)

b) Distinguish between Primary and Secondary evidences?

(5)

c) Is a witness allowed to refer to documents to refresh his memory during examination? If so, when?

(5)

Q.No.3) (a) What is burden of proof? On whom the burden of proof lies as to a Particular fact?

(10)

(b) Write short notes on the following:

- (i) Accomplice.
- (ii) Judicial notice.
- (iii) Estoppel.
- (iv) Primary evidence
- (v) Conclusive Proof.

(10)

PART-III CRIMINAL PROCEDURE CODE

Q.No.1) (a) Why are the statements given to the Police are not signed? Discuss the Provisions for ensuring attendance of witnesses during an investigation.

(20)

(b) What is the effect of the local inspection having been conducted by a judge or Magistrate during trial?

(10)

Contd/-3

Q.No.2) When and how are search warrants issued ? What is the procedure for disposal Of things found in search beyond jurisdiction?

(10x 2 = 20)

Q.No.3) What is Charge and what is its object? What are the particulars which need to

Be stated in the charge?

(10x 2 = 20)
