

**H.P.BOARD OF DEPARTMENTAL EXAMINATION  
DEPARTMENTAL EXAMINATION OF IAS/ HAS OFFICERS OF HIMACHAL  
PRADESH SESSION NOVEMBER, 2009**

**PAPER-1            (CRIMINAL LAW AND PROCEDURE)**

**Time Allowed:3 Hours.**

**Maximum Marks:100**

**Note:- 1) Attempt any five questions in all and at least one from each part.  
2) All questions carry equal marks.**

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**PART-1**

**Q.No.1    Answer any two**

- a) In the scheme of the IPC, Culpable homicide (section 299) is genus and murder is specie. All murder is culpable homicide but not vice versa, Discuss. **(10 Marks)**
- b) Father offered his child to a crocodile under a superstition but with bonafiede belief that the child will remain unharmed but the child was killed. Discuss the offence of the father. **(10 Marks)**
- c) A snake charmer, showing his skills placed a cobra on the head of a spectator. Without any intention to cause harm and the spectator died of the bite of the Snake. Is the snake charmer guilty of offence under section 299 or 300 IPC. **(10 Marks)**

- Q.No.2 a) To what extent the right of private defence can be exercised? When the right Of private defence of the body extend to causing death? **(12 Marks)**
- b) When assembly of five or more person is designated as unlawful assembly? **(8 Marks)**

- Q.No.3 a) Define “Dowry Death”. What is the punishment provided for it? **(5 Marks)**
- b) Out of the sense of vindictiveness, a husband vexatious litigation against his wife and she felt humiliated and tortured by reason of issuance and execution of search warrants. Was any offence committed under the IPC? **(10 Marks)**
- c) Define the term “ Cruelty to a married woman”? what is the punishment for cruelty to a married woman by her husband or relatives of her husband? **(5 Marks)**

**PART-2**

- Q.No.4 a) What are the types of searches as provided in the Cr.P.C? **(5 Marks)**
- b) What provisions apply to search warrants? **(5 Marks)**
- c) What precautions are necessary in conducting search of person, property and Premises occupied by woman? **(5 Marks)**
- d) What is required to e done in case the search is to be made out side the territory jurisdiction of the court issuing the search warrant? **(5 Marks)**

- Q.No.5    What is “Plea bargain”. Elaborate? Whether this new provision will help in Early disposal of Criminal cases in courts? **(20 Marks)**

Contd.,P-2

- Q.No.6 Under what circumstances security for keeping good behavior can be Demanded from any person? Discuss the procedure for initiating such Proceedings? **(20 Marks)**

**PART-3**

- Q.No.7 a) When is a confession irrelevant in Criminal proceedings? **(10 Marks)**  
b) Comments on admissibility of evidence in:-

- 1) The evidence collected during a defective investigation. **(3 Marks)**
- 2) Under what circumstances opinion of experts is relevant under the Indian Evidence Act. **(4 Marks)**
- 3) Testimony of hostile witness. **(3 Marks)**

- Q.No.8 Discuss briefly about the facts which need not be quoting relevant provisions The Indian Evidence Act? **(20 Marks)**

- Q.No.9 a) Write about the order of examination of witnesses and also discuss about Asking of leading questions during examination of the witnesses. **(10 Marks)**  
b) Who may testify in the court? **(5+ 5= 20 Marks)**

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