

BOARD OF DEPARTMENTAL EXAMINATION
GOVT.OFFICER/OFFICIAL(TEHSILDAR/NAIB-TEHSILDAR)

OCTOBER/2010

Paper 5(Criminal law and procedure)

TIME ALLOWED: 3 HOURS

Max Marks: 100

NOTE:

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

PART-1

Q1 a) .Why are the statements given to the Police not signed? Discuss the provisions for ensuring attendance of witnesses during an investigation? (10)

b).What is the effect of the local inspection having been conducted by a Judge or Magistrate during trial? (10)

Q2) what is "Charge" and what is its object? What are the particulars which need to be stated in the " Charge"? (10*2=20)

Q3) Write short notes on the following:

a).Withdrawl from prosecution (4)

b).Discharge and Acquittal. (4)

c).Compoundable and non-compoundable offences. (4)

d).Whether Executive Magistrate can ask to execute a bond under the Preventive Section,
to maintain peace and tranquility in the area until the conclusion of enquiry? (4)

e).Under which section an Executive Magistrate has power to reject surety in a proceeding under the preventive sections. What is the procedure to be adopted? (4)

PART 2

Q4) 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, a document which is known to be forged? (5)

c). 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)

Q5) a). What constitutes grievous hurt under the IPC. Explain in detail? Distinguish between simple hurt and grievous hurt? (7)

b). Distinguish between affray and rioting? (3)

c). What is dowry death under the IPC. Explain? (8)

d). Under which section of law the abetment of suicide is punished and what is the punishment prescribed? (2)

Q6) Distinguish between:-

a). Restraint and Confinement.

b). Force and Criminal force.

c). Abduction and Kidnapping.

d). Theft and Extortion.

e). Common intention and common object. (5*4=20)

PART-3

- Q7) 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? (20)
- Q8) 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 Excisable articles? (10)
- b). Distinguish between Primary and Secondary evidence. Explain? (10)
- Q9) a). What do you mean by "Burden of proof"? On whom does the burden of proof lie as to a particular fact? (10)
- b). Can Court "may presume" existence of certain facts. Comment briefly? (5)
- c). Under which section of evidence Act, Court can presume the commission of offence of dowry death? Discuss (5)