

BOARD OF DEPARTMENTAL EXAMINATION
FOR HAS OFFICERS | PAs officers
OCTOBER - 2015

Paper No. 2 (Criminal case)

Time allowed – 3 hours

Maximum marks- 100

- Note:
1. Attempt both the question.
 2. Questions carry the marks indicated against them.

Question No.1.

(a) On 2.10.2010 Sh. Rakesh Kumar S/o Ram Kumar r/o Ugrakheri Distt. Panipat Haryana has reported to Police Station Dhalli that on 2.10.2010 he along with his two friends namely Sunil Bisla and Charu Panday had come to Shimla on two motorcycles. The deceased Charu was driving Motorcycle No. D/L6SZ-0712 and I was driving my own Motorcycle towards Kufri. Charu Panday was driving ahead and we were following him, when we reached at Chharabra and noticed that the Charu Panday was lying dead on the road and on the other side of the road one Tipper No. HP-51-2096 was parked. Deceased Charu Panday died on the spot as the driver of Tipper namely Govind Ram could not apply the brakes and Charu Panday was crushed on the spot. The Dhalli Police (Shimla) registered a case vide FIR NO. 176/10 under section 279, 304-A IPC against Govind Ram for rash and negligent act of driving and investigation was conducted. After finalising the investigation of this case a challan u/s 279, 304A IPC was filed in the Court of CJM Shimla. The copy of the FIR is annexure-A-I & A-II. Prepare charge u/s 279, 304-A IPC against the accused Govind Ram. (10)

(b) Accused Govind Ram pleaded not guilty to the charge and was tried by the CJM Shimla. The prosecution examined seven witnesses in support of the case and their statements are recorded Annexure-B, (B-1 to B-21) attached. Please write statement of accused recorded u/s 313 Cr.P.C. (10)

(c) The accused Govind Ram put the defence of denial of occurrence in the statement recorded u/s 313 Cr.P.C. Write down a reasoned judgement on the basis of evidence recorded in the court i.e. Annexure-(B-1 to B-21) (30)

Question No. 2.

(a) On 3.6.2015 Smt. Shashi Verma w/o Sh. Sita Ram Verma r/o Khailchora Dhami Tehsil Shimla filed an application before Dhami Police that she and her husband had purchased a piece of land at Dhamandri from Sh. Sham Lal and has also built up a house on the land. Sh. Sham Lal has threatened her by saying that "tum ya tumhara patti Dhamandri me kabhi nahin dikhne

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chahiye, nahin to jaan se maar denge hamare pass karib 100 admiyon ki gang hai. Hum kuchh bhi kar sakte hai." Sh. Sham Lal has abused her on that day and she is apprehending breach of peace as she is being threatened repeatedly. On the application of Shashi Verma Police prepared a report (Kalandra) and sent to SDM Shimla for appropriate action under the law i.e. u/s 107 & 150 Cr.P.C. The copy of application filed by the Shashi Verma is Annexure-C & C-1. The copies of Kalandra are Annexure C-3 to Annexure C-7.

Please draw a notice u/s 111 Cr.P.C. against the respondent Sham Lal. (15)

- (b) On the basis of statement of witnesses namely Sita Ram Verma, Manoj Kumar, Promod Kumar and application of Smt. Shashi Verma i.e Annexure-C and other statements are annexure at C-5, C-6 & C-7 enclosed. Write a detailed order believing these statements to be true and ask for the bond for maintaining good behaviour and peace from Sh. Sham Lal for a period of one year with one Surety in the like amount. (25)
- (c) Can an Executive Magistrate reject the Surety provided by the respondent for maintaining good behaviour and peace. If yes what is the procedure under the Cr. P.C?. (10)
