

**H.P.BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR IAS/ HAS OFFICERS OF HIMACHAL
PRADESH SESSION APRIL, 2010**

PAPER-2 **(CRIMINAL CASE)**

Time Allowed: 3 Hours.

Maximum Marks: 100

Note:- 1) Attempt both the questions.

2) Questions carry the marks indicated against them.

Q.No.1 One Sh.T.D.Sharma, Officer of the Gujrat Ambuja Cement Factory/ Company, has field an application [Annexure “B”- (pages- 3-4)] on 19-11-2003 before S.H.O.Police Chowki, Sanjauli that one 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.

Sh.Sita Ram, S/O Sh.Daulat Ram, Resident of Sawan Niwas has also Field an application [Annexure-“A” (Pages-2)] on 19-11-2003 before the S.D.M. (Urban) Shimla 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.TD Sharma (Corporate Affairs Officer) Gujrat Ambuja Cement Company, Sanjauli (Sawan Niwas) Threatening him to oust by hook or by crook from the Sawan Niwas without Following the procedure of Law. He has further alleged that there is likelihood 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.

The aforesaid, Sh.T.D.Sharma has filed an application before the SDM (Urban, Shimla on 24-11-2003 and 1-12-2003 stating therein 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 complaint [Annexure-D” (Pages 14-30)]. S.D.M. Shimla (Urban) has Referred the application of Sh.T.D.Sharma along with his statement to S.H.O. Police Station, Dhalli [Annexure “E” (Pages-31-33)].

Incharge Police Chowki, Sanjauli has sent his reports to the SDM on 25-11-2003 on the application of Sh.Sita Ram [Annexure “C” 4(a) -13 and on the Application of [Annexure “G” (Pages-39)] . Statement of Sh.Sita Ram is at { Annexure {H} (Pages-40 -42)}.

Note:-The documents mentioned in Annexure “C” Page-5 and in Annexure “D” Page-14 with regard to Sale and Revenue Record are common in both these Annexure; therefore, these documents are appended in Annexure “D” at Pages 16 to 30).

- a) On the basis of the above facts make an order I writing and call upon the parties in dispute to state their respective claims with regard to possession. **(25 Marks)**
- b) Pass an appropriate decision in favour of the party entitled to possession as per the relevant provisions of the Criminal Procedure Code, 1973? **(25 Marks)**

Q.No.2 Sh.Roop Lal , the complainant lodged a report on 12-12-2005 at around 3:40 pm with the Police at Police Station Darlaghat, distt. Solan of one Sh. Bhagat Ram in furtherance of common intention with accused Sheela Devi hit Him with “gainti” on his back, due to which injuries were sustained by Him. They also threatened the threatened the complainant to do away with his life. On his medical examination at P.H.C. Darlaghat injuries with Sharp edged weapon were found and on this FIR No-136/05 “A-1” was retgistered against the aforesaid accused persons under section 324, 323, 506. 34 IPC. Final report of MLC of Sh.Roop Lal was procured wherein Medical officer has opined that one Of the injury sustained by Roop Lal greivous in nature and thereafter the I.O. Deleted section 323 I.P.C. and inserted section 325 I.P.C. During the course of Investigation, police recorded the statements of the witnesses as per their Version. After the completion of the investigation, challan has been presented Against the accused persons for the commission of offence punishable under Sections 324, 325, 506, 34 I.P.C. in the Court. The learned court of sub divisional Judicial magistrate framed the charges against both Bhagat Ram and Sheela Devi (A2 & A3). The accused pleaded not guilty to the charges so framed and the Prosecution examined P.W.I. to PW7 (A4 to A 10) and then the statements of the Accused u/s 313 Cr.P.C. was recorded (A 11 & A 12).

- a) On the basis of the aforesaid evidences write a judgement duly supported by Reasons for the finding? **(40 Marks)**
- b) State whether the charges A 2 & A 3 are properly framed or not? Justify? **(10 Marks)**

IN THE COURT OF RAMNIK SHARMA JUDICIAL MAGISTRATE IST CLASS
ARKI DISTRICT SOLAN H.P.

State Vs Bhagat Ram & another

Statement of accused Bhagat Ram, s/o Sh.Ram Charan, r/o Village Gyana, Post Office Mangu P.S. Darlaghat, Tehsil Kasauli, Distt. Solan H.P. aged about 50 years, u/s 313 Cr.P.C.

Without oath
21-05-2009

Q.No.1 Have you heard and understood the prosecution evidence led against you
Accused person?

Ans. Yes Sir.

Q.No.2 It has come in the prosecution evidence led against you accused person that on 12-12-2005 at about 3:40 p.m. one Sh. Roop Lal came to the Police Station And reported the matter to the police to the effect that on 12-12-2005 at about 2:00p.m. you accused person along with your co-accused person namely Sheela Devi in furtherance of your common intention of you both gave Beatings to Sh.Roop Ram with a gainti blows and threatened him to do away With his life and rapat to this effect was entered into roj namcha . Ext. PW-6/A What you have to say about it?

Ans. I don't Know.

Q.No.3 It has further come in the prosecution evidence led against you accused person That on 12-12-2005 at about 5:20 p.m. police got medically examined Sh.Roop Lal at P.H.C. Darlaghat and rapat to this effect was entered into roj Namcha Ext.PW6/B what you have to say about it?

Ans. I don't know.

Q.No.4 It as further come in the prosecution evidence led against you accused person That on 12-12-2005 at about 10:40 p.m. C Ashok Kumar went to P.H.C. Darlaghat with Sh.Roop Ram for conducting the X-ray of Sh. Roop Ram and Rapat to this effect was entered into roj namcha Ext. PW- 6/C. What you have to say about it?

Ans. I don't Know.

Q.No.5 It has further come in the prosecution evidence led against you accused Person that on 13-12-2005 at about 2:20 p.m. police got medically examined Sh.Roop Lal at P.H.C. Darlaghat and after procuring the MLC of Sh. Roop Ram it was found sustained with sharp weapon and thereafter section 324 IPC Was added to the present challan and rapat to this effect was entered into roj Namcha Ext.PW-6/D. What you have to say about it?

Ans. I don't Know

Q.No.6 It has further come in the prosecution evidence led against you accused person That after procuring the MLC of Sh.Roop Lal FIR No.136/05 was registered Against you accused person for the commission of offence punishable under Sections 324, 323 and 506 IPC read with section 34 IPC and FIR is Ext. PW-5/A. what you have to say about it?

Ans. I don't Know.

Q.No.7 It has further come in the prosecution evidence led against you accused person That police visited the spot and prepared the spot map Ext.PW-7/A what you Have to say about it?

Ans. I don't know.

Q.No.8 It has further come in the prosecution evidence led against you accused person That during the course of investigation police took into possession one gainti Having wooden handle vide recovery memo Ext. PW-1/ A what you have to Say about it

Ans. It is incorrect that any gainti was recovered.

Q.No.9 It has further come in the prosecution evidence led against you accused person That during the course of investigation police procured the MLC of Sh.Roop Ram which is Ext.PW—3/A. what you have to say about it?

Ans. I don't Know.

Q.No.10 It has further come in the prosecution evidence led, against you accused Person that after procuring the MLC of Sh.Roop Lal it was found by the Police that one of injury sustained by Sh.Roop Lal was found to be grievous In nature and thereafter section 323 IPC was deleted from the present challan And section 325 IPC was added to the challan what you have to say about it?

Ans. I don't know.

Q.No.11 It has further come in the prosecution evidence led against you accused Person that during the course of investigation police recorded the statements Witnesses as per their version under section 161 Cr.P.C. and statement of Sh.Baldev Raj is Ext.PW-7/B what you have to say about it?

Ans. I don't Know.

Q.No.12 It has further come in the prosecution evidence led against you accused person That on 12-12-2005 at about 2:00 p.m. at village Giana, your accused person - Along with your co- accused person namely Sheela Devi in furtherance of Your common intention of you both voluntarily caused but to complainant Sh.Roop Ram by giving beatings him with gainti' on his back, who was Extracting stones from the nearby field abutting to the cowshed at that Relevant time. What you have to say about It

Ans. It is incorrect.

Q.No.13 It has further come in the prosecution evidence led against you accused that You accused person that on aforesaid place you accused person along with Your co- accused person namely Seela Devi in furtherance of your common Intention of you both voluntarily caused grievous but to complainant Sh.Roop Ram by giving beatings him with ' gainti' on his back. What you have to say About it?

Ans. It is incorrect.

Q.No.14 It has further come in the prosecution evidence led against you accused Person that on aforesaid date time and place you accused person along- with Your co- accused person namely Sheela Devi in furtherance of your common Intention of you both criminally intimidated Sh.Roop Ram to do away with His. What you have to say about it?

Ans. It is incorrect.

Q.No.15 Why the witnesses have deposed against you accused person?

Ans. Witnesses have deposed against me at the instance of Roop Lal who is Enimical forwards me.

Q.No.16 Do you want to say thing else?

Ans. I am innocent.

Q.No.17 Do you want to lead any defence evidence?

Ans. No.

R O & A C.

JMC, Arki

Certified that the contents of statement of accused u/s 313 Cr.P.C. have been Read over and explained the accused person in his vernacular (Hindi) which he Has fully understood.

(Ramnik Sharma)
Judicial Magistrate, Ist Class,
Arki, Distt. Solan, H.P.

A-12 Certified copy of statement of accused u/s 313 Cr.P.C. in

**IN THE COURT OF RAMNIK SHARMA, JUDICIAL MAGISTRATE, 1ST
CLASS, ARKI, DISTRICT SOLAN H.P.**

State vs. Bhagat Ram & Another

Statement of accused Sheela Devi, W/o Sh.Bhagat Ram, r/o Village Gyana, P.o. Mangu ,
P.S.Darlaghat, Tehsil Kasauli, Distt. Solan , H.P. aged about 39 years, u/s 313 Cr.P.C.

Without oath
21-05-2009

Q.No.1 Have you heard and understood the prosecution evidence led against you
Accused person?

Ans. Yes Sir.

Q.No.2 It has come in the prosecution evidence led against you accused person that on
12-12-2005 at about 3:40 p.m. one Sh.Roop Lal came to the police station and
Reported the matter to the police to the effect that on 12-12-2005 at about 2:00
You accused person along with your co- accused person namely Bhagat Ram
In furtherance of your common intention of you both gave beatings to Sh.Roop
Ram with a gainti blows and threatened him to do away with his life and rapat
To the effect was entered into roj namcha Ext. PW-6/A What you have to say
About it?

Ans. I don't Know.

Q.No.3 It has further come in the prosecution evidence led against you accused person
That on 12-12-2005 at about 5:20 p.m. police got medically examined Sh.Roop
Lal at P.H.C. Darlaghat and rapat to this effect was entered into roj namcha
Ext.PW-6/ B. what you have to say about it?

Ans. I don't Know.

Q.No.4 It has further come in the prosecution evidence led against you accused person
That on 13-12-2005 at about 10:40 p.m. C. Ashok Kumar went to P.H.C.
Darlaghat with Sh.Roop Ram for conducting the X-ray of Sh.Roop Ram and
Rapat to this effect was entered into roj namcha Ext.PW-6/C what you have to
Say about it?

Ans. I don't Know.

Q.No.5 It has further come in the prosecution evidence led against you accused person That on 13-12-2005 at about 2:20p.m. police got medically examined Sh.Roop Lal at P.H.C. Darlaghat and after procuring at MLC of Sh.Roop Ram it was Found by the police that one injury sustained by Sh.Roop Ram was found Grievous with sharp weapon an thereafter section 324 IPC was added to the Present challan and rapat to this effect was entered into roj namcha Ext.PW-6 /D. What you have to say about it?

Ans. I don't Know.

Q.No.6 It has further come in the prosecution evidence led against you accused person That after procuring the MLC of Sh. Roop Lal FIR No- 136/05 was registered Against you accused person you for the commission of offence punishable Under sections 324,323 and 506 IPC read with section 34 IPC and FIR is Ext. PW-5/A. what you have to say about it?

Ans. I don't Know.

Q.No.7 It has further come in the prosecution evidence led against you accused person Person that police visited the spot and prepared the spot map Ext.PW-7/A. what You have to say about It?

Ans. I don't Know.

Q.No.8 It has further come in the prosecution evidence led against you accused person That during the course of investigation police took into possession one gainti Having wooden handle vide recovery memo Ext. PW-1/A what you have to say About it?

Ans. I don't Know

Q.No.9 It has further come in the prosecution evidence led against you accused person That during the course of investigation police procured the MLC of Sh.Roop Ram which is Ext. PW-3/A what you have to say about it?

Ans. I don't Know

Q.No.10 It has further come in the prosecution evidence led against you accused Person that after procuring the MLC of Sh. Roop Lal it was found by the Police that one of injury sustained by Sh.Roop Lal was found to be grievous In nature and thereafter section 323 IPC was deleted form the person challan And section 325 IPC wad added to the challan. What you have to say about it?

Ans. I don't Know.

Q.No.11 It has further come in the prosecution evidence led against you accused Person that during the course of investigation police recorded the statements Of witnesses as per their version under section 161 Cr.P.C. and statement of Sh.Baldev Raj is Ext. PW-7/B what you have to say about it?

Ans. I don't Know

Q.No.12 It has further come in the prosecution evidence led against you accused Person that on 12-12-2005 at about 2:00 p.m. at village Giana, you accused You accused person along with your co- accused person namely Bhagat Ram In furtherance of your common intention of you both voluntary caused hurt to Complainant Sh.Roop Ram by giving beatings him with gainti on his back. Who was extracting stones from the nearby field abutting to the cowshed at That relevant time. What you have to say about it?

Ans. I don't Know.

Q.No.13 It has further come in the prosecution evidence led against you accused that You accused person that on aforesaid place you accused person along with Your co- accused person namely Bhagat Ram in furtherance of your Common intention of you. Both voluntarily caused grievous hurt to Complainant Sh.Roop Ram by giving beatings him with gainti on his back. What you have to say about it?

Ans. It is incorrect.

Q.No.14. It has further come in the prosecution evidence led against you accused Person that on aforesaid date time and place you accused person along with Your co- accused person namely Bhagat Ram in furtherance of your Intention of you both criminally intimidated Sh. Roop Ram to do away with Us. What you have to say about it?

Ans. It is incorrect.

Q.No.15 Why the witnesses have deposed against you accused person?

Ans. Roop Lal is enimical towards my family so witnesses have deposed at his Instance.

Q.No.16 Do you want so say any thing else?

Ans. Iam innocent

Q.No.17 Do you want to lead any defence evidence?

Ans. No.

RO & AC

JMIC Arki

Certified that the contents of statement of accused U/S 313 Cr.P.C. have been read over and explained the accused person in his vernacular (hindi) which he has fully understood.

Ramnik Sharma
Judicial Magistrate, Ist Class,
Arki, Distt. Solan, H.P.
