## BOARD OF DEPARTMENTAL EXAMINATION DEPARTMENTAL EXAMINATION FOR IAS/HAS OFFICERS

April, 2015

## Paper 2 (Criminal Case for IAS/HAS)

Time allowed - Three hours

Maximum marks - 100

NOTE: (1) Attempt both the questions.

- (2) Questions carry the marks indicated against them.
- Q.1: (a) On receipt of information of accident, report no.14 dated 20.12.2001 (A-1) was recorded in the Rojnamcha of Police Station, West, Shimla and after spot inspection, FIR No. 311/2001 was recorded under sections 279,337 and 338 IPC. During investigation siteplan (A-2) was prepared and the statements of witnesses were recorded which are at pages 3 to 7 while mechanical report (A-3) was given by the mechanic after examination of vehicle involved in the accident. The vehicle was taken in possession by the police with documents vide fard (A-4). After investigation, the challan (A-5) was presented in court against accused Sahi Ram. The notice of accusation was required to be given to the accused. Please frame notice of accusation against the accused on the basis of the challan.
  - (b) Accused Sahi Ram pleaded not guilty to the notice of accusation and he was tried by Ld. Judicial Magistrate 1<sup>st</sup> Class. The prosecution examined six witnesses in all (A-6) to (A-11). The statement of the accused was recorded under section 313 Cr.P.C. in which accused denied the allegations that accident took place due to his negligent driving so as to endanger human life. No defence was led by the accused. Write a reasoned judgement on the basis of prosecution evidence and material on record.

    (35 marks)
- Q.2: (a)On the basis of the complaint of Hima Ram Sharma (B-1), enquiry was conducted and police presented kalandra under sections 107 and 150 Cr.P.C. (B-2) against Roshan Lal before Ld. SDM Shimla alongwith statements of witnesses (B-3 to B-9) recorded during enquiry. On the basis of aforesaid record, draw a notice under section 111 Cr.P.C. against Roshan Lal.

(15 marks)

- (b)On the basis of record of the police mentioned in (a) above, Ld. SDM issued show cause notice under section 111 Cr.P.C. to Roshan Lal, who did not admit the substance of the notice. Thereafter Ld. SDM recorded the statement of Hima Ram (B-10) and stopped the enquiry without examining Roshan Lal. Write a detailed reasoned order supported by facts and evidence on record on the basis of which Ld.SDM thought it proper to drop the proceedings at that stage of the inquiry.

  (25 marks)
- (c) Whether there is any statutory period during which the inquiry is to be completed by the Executive Magistrate in cases under section 107/150 Cr.P.C.? If so what is statutory period? Whether this period can be extended and if so under which circumstances. (10 marks)