

**DEPARTMENTAL EXAMINATION OF IAS/ HAS
February, 2007**

Paper-2 Criminal Case

Time Allowed: 3 Hours

Max.Marks:100

Note: 1.Attempt both the questions.

2. Questions carry the marks indicated against them.

3. Bare Acts of IPC, Cr. P.C. and Motor vehicle Act are permissible.

Q.No.1 Take yourself as on Executive Magistrate Ist Class, Solan. After going through And considering the record in “Part-A” (Containing pages 1 to 4) frame a show Cause notice/ Preliminary Order regarding the legal dispute between the parties, with a View to preventing the commission of breach of peace. The complaint filed is under Sections 107/ 145 Cr.P.C keeping in view the facts and circumstances of the case, how Would you deal with the matter whether under section 145 Cr.P.C. or 107 Cr.P.C. Accordingly you would proceed to frame the show- cause Notice or preliminary Order Under section 107 or 145 Cr.P.C. respectively.
Also write out final order accordingly, giving reasons for the same

[50]

Q.No.2 Take that you are posted as Chief Judicial Magistrate, Shimla, The record of a criminal Case entitled state V/S Sahi Ram S/O Ram Chand, R/O Shandhu, P.O. Jathia Devi, P.S.West, Shimla, and H.P.on the basis of a Police challan forwarded under Section 279, 337/ 338 IPC and under section 185 of the Motor Vehicle Act Alongwith the entire record “Part-B” (containing Pages 1 to 29) including prosecution Evidence (PW-1 to PW-6)

Prosecution witness Anil Mehta has turned Hostile.

Explanatory Note:- The accused has lead no defence evidence and also pleaded no Guilty to the charge so framed.

Abbreviations used:-

- (i) L.C .:= Lady Constable
- (ii) H.C .:=Head Constable
- (iii) R.C .:=Registration Certificate
- (iv) I.C .:=Insurance Certificate
- (v) D.I.L.=Driving Licence

On the basis of the case record as made available to you as stated above, you are Required to do the following:-

(a) Record the statement of the accused under section 313 of Cr.P.C.; [8]

Contd.-/2

- (b) Frame the Charges; [7]
- © Frame the points for determination; [5]
- (d) Pass on order of final judgment. [30]

Part- "A"
In the Court of S.D.M. Solan
Jagat Ram S/O Paras Ram R/O Solan Ser. Petitioner

V/S
Daulat Ram S/O Ram Dyal, R/Osolan Ser. Respondent

Complaint under Section 145/ 107 Cr.P.C.

The Petitioner submits as under:-

- 1. That the land Khasra No.205 memasuring 2 bighas situated in Ser Solan has** been in cultivatory possession of the petitioner as a tenant for the last over twenty years under the respondent land- lord, the rent payable is Rs.120/-only.
- 2. That the land had been ploughed and prepared by the petitioner for showing next Rabi Crop of wheat but yesterday the respondent took into his head to enter upon** The land and sewed the crop illegally by committing criminal trespass. The Petitioner asked the respondent not to take the law into his hands, stop sowing and Restore the possession of the land to the petitioner. The respondent there upon Threatened the petitioner with dire consequences. That if the petitioner went near Him he will be fired at by the gun, the respondent was carrying with him. The Petitioner has taken S/Shri Chet Ram and Het Ram alongwith him to intervene but They were also scared away by the respondent. The respondent has further Threatened the petitioner not to enter the land, otherwise he will have to loose his Life.
- 3. The land is quite valuable situated with Solan Municipal limits. It is most suitable** For construction purpose of the expanding town. The respondent wants to dispossess the petitioner forcibly before he can get proprietary rights of the same. The petitioner could not get the ownership rights available under the tenancy law because the Akas- Shajra Kishtwar of the village had been spoiled and torn and fresh measurements by the land settlement department had to be carried out with a view to reconstruct the Shajra and Mussavi. In the previous settlement the Mussavi was not prepared. Now the records are almost complete and the respondent intends to take undue advantage of the same and deprive the respondent from his legal rights.

It is requested that in view of the imminent like hood of the breach of peace, suitable legal action to taken against the respondent under section 145 or 107 Cr.P.C.and the possession of the land got restored to the petitioner.

Dated; Solan 10-4-82 -1- Sd/ -
Jagat Ram

PART- "A"

In the Court of Sub Divisional Magistrate Solan Affidavit of Jagat Ram, Aged 42 years.

I, Jagat Ram, petitioner state on oath that the contents of my application Jagat Ram V/Sdaulat Ram dated 10-4-82 under section 107/ 145 Cr.P.C.paragraphs 1 to 3 area true to my knowledge and belief.Nothing has been concealed and no part of it is false.

Attested-

**Oath Commissioner, Solan
24-4-1982**

**Sd/- Deponent
Jagat Ram**

in the court of Sub-Divisional Magistrate, Solan. Affidavit of Sh.Chet Ram S/O Lachhi Ram, Resident of Solan Ser, Aged 38 years.

I Chet Ram above named state on oath as under:-

- 1. That I have been land Khasra no. 205 measuring 2 bighas situated in village Ser Solan falling with in the limits of Municipal Committee. It has been in the possession of petitioner and his father late Paras Ram who died in March last.**
- 2. That the respondent and his father had been raising vegetables and other crops for the last about 20 years in the aforesaid land.**
- 3. That this time on 10th April the respondent Daulat Ram landlord over-ploughed the land himself and took over the possession despite petitioner Jagat Ram's asking him not to dispossess him. The petitioner had been threatened by the respondent to be fired at by his gun which he was carrying with him on the spot. Het Ram was also present with me and the petitioner when the petitioner and the respondent were exchanging threats over the possession of land.**

**Deponent
Sd/-**

I Chet Ram, above named deponent declare on oath that this affidavit of mine is correct no part of it is false and nothing has been concealed.

**Solan dated 24-4-82
Sd/- Deponent**

**Attested.
Sd/-
Oath Commissioner, Solan
24-4-82**

In the Court of Sub- Divisional Magistrate, Solan. Affidavit of Shri Het Ram son of Shri Ram Datt, resident of Solan Ser, Aged 40 years.

I, Het Ram, above named state on oath as under:-

1. That I have seen land Khasra No. 205 measuring 2 bighas situated in village Ser Solan and falling within the limits of Municipal Committee. It has been in the possession of Petitioner and his father late Paras Ram who died in March last.
2. That the respondent and his father had been raising vegetable and other Crops for the last about 20 years in the aforesaid land.
3. That this time on 10th April the respondent Daulat Ram landlord over- ploughed the land himself and took over the possession despite petitioner jagat Ram, asking him not to dispossess him. The petitioner had been threatened by the respondent to be fired at by his gun which he was carrying with him on the spot. Chet Ram was also present with me and the petitioner, when the petitioner and the respondent were exchanging threats over the possession of land.

Deponent
Sd/-

I, Het Ram above named deponent declare on oath that this affidavit of mine is Correct no part of it is false and nothing has been concealed.

Solan dated 24-4-82
Sd/-

Attested
Sd/-

Oath Commissioner, Solan 24-4-82

In the Court of Sub- Divisional Magistrate, Solan
Jagat Ram.....Petitioner.

V/S
Daulat Ram.....Respondent

Complaint U/S 107/ 145 Cr.P.C.

The respondent submits as under by way of written statement to the petition and his claim to the land in dispute:-

1. The land under reference is owned by the respondent and was with Paras Ram the father of the petitioner in tenancy who died in March last. The tenancy of Urban land is not hetible under law and same lapsed on the death of Paras Ram. The Petitioner is illegally clinging on to the land. The respondent as owner of the land situated within municipal limits being abadi site is within his legal right to utilize it in the manner as considered best. The land was used as Kitchen garden by the deceased Paras Ram for

raising vegetables and the answering respondent has also sown China Sarson in it. It is not agricultural land. So the petition is not maintainable either under under Solan dated 26-4-82.

Sd/- Daulat Ram
Copy of Extract of Jamabandi Village Ser Solan,

Tehsil Solan year 1978-82.

Number Khewat	Number Khatoni	Owners Name	Name of the Person in possession	Number Khasra	Area and Kind of land	Land Revenue	Remarks
104	66	Daulat Ram S/O Ram Dyal R/O Ser Solan owner	Paras Ram S/O Ram Saran R/o Ser Solan Tenant	205	2 Bighas Abadi land	Rs.120/- annual	Not assessed

In the Court of Sub- Divisional Magistrate Solan.
Jagat Ram.....Petitioner

V/S

Daulat Ram.....Respondent

Proceedings U/S 107/ 145 Cr.P.C.

Affidavit of Daulat Ram respondent Aged 60 years resident of Ser Solan.

I above named Daulat Ram state on oath that the contents of my written statement to the above petition under section 107/ 145 Cr.P.C. are correct to my knowledge and belief. No part of it is false, nor anything has been concealed.

Attested.

Sd/- Executive Magistrate, Solan.

Deponent.

Sd/- Daulat Ram
