

H.P.BOARD OF DEPARTMENTAL EXAMINATIONS DEPARTMENTAL
EXAMINATION OF IAS/HAS OFFICERS

JULY-AUGUST, 2006

Paper:1 (Criminal Law and Procedure)

Time Allowed: 3 Hours

Max Marks:100

Note:- 1.Attempt any five questions.

2.All questions carry equal marks.

- Q.No.1 Discuss the intention of the Legislature in enacting Criminal Procedure Code of 1973 after repealing the code of 1898. The answer may be Attempted taking into account the preamble of the code, its construction And the linkages of Cr PC with other provisions of law.
- Q.No.2 (a) What is the relevance of schedule I of the Criminal Procedure Code. Discuss its relevance to the IPC and bailable/ non bailable and Cognizable/ non cognizable offences.
- (b) The enactment of the 1973 code of criminal procedure drastically altered the role of Executive magistrate in public services management. Discuss how and why with relation to the provisions of the constitution.
- Q.No.3 (a) Certain function of the Executive Magistrate can be assigned to the Commissioner of Police. How? Would you consider recommending Transfer of such functions to the police from Executive Magistrate?
- (b) What is the role of the District magistrate or the Sub Divisional Magistrate under section 97 and 98 of the CrPC . what provisions of the CrPC are applicable to section 97 and 98 of Cr.PC?
- Q.No.4 What are the duties of the Executive Magistrates in preventing breach of peace And to maintain public tranquility. What can he do to prevent breach of peace In Dispute concerning land or water?
- Q.No.5 (a) What is the relevance of Indian Penal Code for the Executive Magistrate? Do they have any functions to perform under the I.P.C?
- (b) Why is section 197 of Cr.PC important? Does it act as a deterrent to combating corruption in public life?
- Q.No.6 What is the definition of a public servant under IPC? Are Chief Ministers, Councilors of local bodies, Panchyat Pradhans etc, public servants under Section 21 of IPC ? Discuss the tests to determine whether a person a public Servant or not.
- (a) What is the linkage of special and local laws to the I.P.C. Discuss w
- (b) ith

reference to section 41 and 42 of the I.P.C.

- Q.No.7 (a) What is the importance of section 186 and 188 of I.P.C. to field Executive Magistrate/ public servants and officers working in Districts.
- (b) Is there any relevance of section 51 of IPC to Executive Magistrate and Revenue Officers?
- © Section 52 of I.P.C. Protects acts done in good faith Why? Give examples of actions not protected under section 52.

Q.No.8 Write short notes on following giving suitable examples:

- (a) Primary evidence
- (b) Public Documents
- (c) Extra Judicial Confession
- (d) Doctrine of Estoppel.

Q.No.9 (a) Distinguish between public document and Private documents.

- (b) What is the meaning of judicial notice?
- © Explain the difference between admission and confession.
