

BOARD OF DEPARTMENTAL EXAMINATION

APRIL/2015

IAS/HAS

Paper No 10(Specific Acts (Criminal Manual & Rules)

TIME ALLOWED: 3 HOURS

Max Marks;100

- NOTE: (1) Attempt any five questions.
(2) All questions carry equal marks.
(3) Relevant provisions of the law must be quoted.

- Q.NO 1(a) A, an ex-MLA of Himachal Pradesh Vidhan Sabha was found to have committed the criminal misconduct by claiming the false medical bill as an MLA and a case u/s13(1)d r/w section 13(2) of the P.C ACT,1988 and Section 420/468/471 IPC was registered and investigated against him. Charge-sheet (Final report) was filed in the court against him without sanction under CR.P.C and PC ACT. What is the legality, whether sanction is required or not. Give reasons. (10)
- (b) Write a brief note on the points required to be considered by the Prosecution Sanctioning Authority before according prosecution sanction and whether Sanction once given can be reconsidered on the same set of facts. (10)
- Q.NO 2(a) What are the "Condition for sale" prescribed under the Prevention of Food Adulteration Rules 1955? Discuss. (10)
- (b) Whether the court can proceed against the Manufacturer, Distributor or dealer of any article of food while trying an offence against vendor under the Prevention of Adulteration Act. ? (5)
- (c) Whether the Health Officer himself can accord prosecution sanction without having delegated powers under the P.F.A. Act.? (5)
- Q.NO 3(a) "A" man of 25 yrs., after the death of his father inherited a S.B.M.L Gun, a fire arm, license of which was valid in the name of his father at the time of his death. Comment whether possession of the gun by "A" is valid? Support your answer with reason and also describe the steps required under law to be taken by "A" in respect of his possession. (12)
- (b) "X", was found possessing a Pistol, a fire arm, not bearing number and identification mark. What presumption and under what provision of law may be raised against him? (8)

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Q.NO 4(a) How the construction company can apply for the setting of the Magazine under the Indian Explosive Act? What action are required to be taken by the authority under the Act?

(b) What prohibition has been created by the State of Himachal Pradesh by way of Rules framed under the Indian Forest Act, 1927 for transport of forest Produce through the land and water routes?

(10x2)

Q.NO5 (a) " B", aged below 21, on conviction u/s 409 IPC, an offence punishable with life imprisonment, was released u/s 4 of the Probation of offender Act,1958. Comment on the legality of the order passed by the court.

(b) Under what circumstances a Stage carriage vehicle can be allowed temporally to operate as a contract carriage vehicle? What procedure is to be followed in such cases?

(10x2)

Q.No 6 (a) What ingredients are required to be proved, to sustain the charge of possessing " illicit liquor" under the provision of the H.P .Excise Act 2011?

(10)

(b) An Excise Inspector in discharge of his duties conducts a search and seizes unlawfully manufactured liquor and also certain utensils and machines used for manufacture of liquor. State the next course of action on part of the Excise Inspector in respect of such search and seizure?

(10)

Q.NO7 (a) What procedure is required to be adopted before declaring any forest as Protected Forest? Is this procedure mandatory?

(b) What are the duties of police officer under the Police Act? Who can stop any procession on contravention of the conditions of assemblies and procession imposed by the competent authority?

(10x2)

Q.NO8 (a) Write Short Notes on:-

- 1.H.P. Commodities prices marketing and display order,1977.
- 2.H.P. Hoarding and profiteering Prevention order1977.
- 3.Duties of collector before passing an order of confiscation of seized essential commodities, under the E.C.ACT,1955

(5x3)

(b) Whether the offence under the Essential Commodities Act,1955 are cognizable? (5)

Q.Nno 9 Write short notes on the following:-

- (a) Procedure for the transfer of forest land for non forest purpose under the Indian forest Act.
- (b) Responsibilities and duties of Deputy Superintendent of Jail, under the Jail Manual.
- (c) What is the provision in the Indian Forest Act for confiscation of vehicles carrying forest produce.
- (d) Under what conditions a driving License can be cancelled? Explain?

(5x4)