

DEPARTMENTAL EXAMINATION OF I.A.S./H.A.S. OFFICERS OF  
HIMACHAL PRADESH.

August,2005

Paper:10 –Specific Acts ( Criminals) Manuals & Rules.

Time Allowed: 3 Hours.

Note:

1. Attempt any Five Questions.
2. All Questions Carry Equal Marks.
3. Relevant Provisions of Law must be Quoted. In Support of Each Answer.
4. Only Bare Acts/ Rules are Allowed.

Question No.1 (a) A, public servant was charged u/s 13 (1) (e) of the P.C. Act, 1988. He Retires form service on 31.12. 1988. The chargesheet was submitted Before the Special judge on 01.01.1999 against him. Prosecution Sanction U/S 19 of the Act, ibid. against him was not obtained. The Judge declined to take cognizance against him. Discuss.

(6)

(b)What presumption can be drawn by the court where it is proved that a public servant accepts gratification other than legal remuneration. Whether the presumption is rebut table?

(8)

© ‘A’ a public servant induced ‘B’ erroneously to believe that ‘A’ s money influence with the Government has obtained a title for ‘B’ and thus induces ‘B’ to give ‘A’ money as a reward for this service. What offence ‘A’ has committed under the Prevention of Corruption Act?

(6)

Question No. (a) What type of timber under the Indian Forest Act, 1927 is deemed Property of government?

(b) What procedure is required to be adopted before declaring any forest a “Protected Forest”? Is this procedure mandatory?

(6)

© Discuss the relevant provisions of Indian Forest Act relating to confiscation of forest produce. Tools etc. and also provisions of the Forest Act with regard to disposal of forest produce at the conclusion Of trial in respect of which forest offence was committed?

(8)

Conti.P-2

Question No.3 (a) What procedure is to be adopted by the excise officer with regard to The articles seized in connection with the excise offence?

(5)

(b) What types of excise offence can be compounded? Who is competent to compound such offences under the Excise Act?

(7)

© State the procedure for search of the closed premises. Where illicit liquor is stored and manufactured. What precautions are necessary to be taken during such search?

(8)

Question No.4 (a) Write a brief note on the powers of the court to deal with an offender who has failed to observe conditions of bond executed under section 4 of the Probation of Offenders Act, 1958

(10)

(b) What are the duties of Probation Officers under the Probation of Offenders Act?

(6)

© Discuss the provisions under the Probation of Offenders Act which relates to payments of compensations and costs to the injured complainants?

(4)

Question No.5 (a) Mr. Y, a sales man of a shop owned & run by Himachal Pradesh Civil Supplies Corporation, Shimla is alleged to have committed offence under the Himachal Pradesh Commodities Price Marketing and Display order, 1977. an offence punishable under Section 3 of the Essential Commodities Act, 1955. It is proposed to launch prosecution against Mr. Y in the court and if so, who would be competent to accord such sanction?

(10)

(b) Under what circumstances the proprietors, partners, employees and agents of a firm can be prosecuted under the Essential Commodity Act?

(10)

Q.No.6 (a) What are the 'Conditions for sale' prescribed under the Prevention of Food Adulteration Rules, 1955.

(10)

(b) Write a short notes on the following:

i) Report of Public roads and streets? Discuss.

ii) Adulteration.

(5x2) = 10

- 3 -

Q.No.7 (a) What duty under the Police Act, 1861 has been casted on the police to

Maintain. Order on the public roads and streets? Discuss.

(7)

- (b) Discuss the relevant provisions of Police Act providing for powers of Police Officers for taking in custody without warrant, persons committing various Offences.

(7)

- © Whether the disciplinary proceedings can be initiated under the Police Rules, against a Non Gazetted Police Official without prior approval of a Distt. Magistrate? Elaborate.

(6)

Q.No.8 (a) In what circumstances under the Motor Vehicles Act, 1988 compensation is Payable on the principle of no fault? Discuss with reference to law.

(7)

- (b) What offences, if any under the Motor Vehicles Act, 1988 is committed in the following case:

- i) Driver of a truck refusing to produce certificate of registration and insurance, to the police officer, in civil dress.
- ii) Writing words “ Press” on the Registration number plates of the private car.
- iii) Driver keeping the car at a public place, obstructing general users of the road.

(2x3) = 6

- © Whether court can orders suspension/ revocation of License under the Explosive Act while convicting the accused? Is there any provision for Enhanced punishment for subsequent offences under the explosive Act?

(7)

Q.No.9 Discuss the procedure for grant of license under the Arms Act, 1959. When Can the grant of such licenses be refused? Whether the license given under the Act, can be suspended and revoked? Elaborate.

(20)

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