

APRIL - 2010

Paper No. 5 (Criminal law and Procedure)
Time allowed 3 hours.

Maximum Marks: 100

Note:-

1. Attempt any five questions in all taking at least one from each part.
The answer should be supported with reasons by quoting relevant provisions of law.
2. All questions carry equal marks.
3. Only bare Acts of IPC, Cr.P.C. and Indian Evidence Act are allowed to be consulted. No book having short notes is allowed.

PART-A

- Question No.1(A) What do you understand by culpable homicide under the Indian Penal Code and when it amounts to murder? (10)
- (B) Offences under which Section is attracted in the following:-
- (a) "A" a person voluntarily caused grievous hurt to "B" with dangerous weapon? (2)
 - (b) "A" assaults "B" a woman intending to outrage her modesty? (2)
 - (c) "A" a man had a sexual intercourse with "B" a girl aged 15 years with her consent? (2)
 - (d) "A" while driving his car rashly on the public highway struck it against "B" as a result of which B received simple injuries? (2)
 - (e) "A" child under 7 years of age hit "B" with knife causing grievous injury to B? (2)

Question No.2

Define the following:-

- (a)
 - (i) Abduction (2)
 - (ii) Extortion (2)
 - (iii) Wrongful confinement (2)
 - (iv) Wrongful restrain (2)
 - (v) Valuable Security (2)
- (b) When assembly of five or more persons is designated as unlawful Assembly? (6)
- (c) One of the member of the unlawful assembly in Prosecution of common object committed the offence under Section 325 IPC, what offence did the other members of assembly have committed? (4)

PART-B

Question No.3(a)

Discuss the powers of Executive Magistrate to direct local investigation, examination of expert, written instructions, in any inquiry relating to public nuisance ? (10)

- Question No.4 (b) How the search of a closed premises can be effected under the Cr.P.C.? what are the necessary precautions to be taken. (10)
What do you understand by the following:-
- (a) Cognizable and Non cognizable offences. (5)
 - (b) Bailable and non bailable offences. (5)
 - (c) Investigation and inquiry under Cr.P.C. (5)
 - (d) Summon cases and Warrant cases. (5)

Question No.5(a) What is an F I R and under which Section of Cr. P.C. the information is recorded by the Police? Give briefly its evidentiary value also? (10)

- (b) Describe the procedure to be adopted for a trial in a warrant case instituted on a Police report ? (10)

Question No. 6 (a) When a Police Officer can arrest without warrant and what are the rights available to the accused person on his arrest? (10)

- (b) What do you know about test identification parade and what is its evidentiary value ? (10)

PART-C

Question No.7(a) What do you understand by confession. Discuss with reference to Indian Evidence Act? (10)

- (b) What is difference between primary evidence and secondary evidence. Describe in detail ? (10)

Question No.8(a) What do you mean by judicial notice? What are the facts of which the Court must take judicial notice? (10)

- (b) What do you mean by burden of proof. On whom does the burden of proof lies as to a particular facts? (10)

Question No.9 Write short notes on the following:-

- (a) Dying declaration. (4)
- (b) Expert evidence. (4)
- (c) Conclusive proof. (4)
- (d) Extra Judicial confession. (4)
- (e) Fact in Issue. (4)
