

**DEPARTMENTAL EXAMINATION FOR GOVT. OFFICERS /OFFICIAL
TEHSILDARS/ N AIB- TEHSILDARS
SESSION-FEBRUARY-2006**

Time Allowed-3 Hours.

Max.Marks-100

Paper-5

CRIMINAL LAW AND PROCEDURE

Note: I All questions carry equal marks.

- II. Attempt five questions in all taking at least one question from each Part. The answer should be supported with reasons by quoting relevant Provisions of law.**
- III. Only Bare Acts of Cr. P.C., IPC and Indian Evidence Act are allowed to Be consulted. No book having short notes is allowed.**

PART-A

Q.No.1 Distinguish between:

- a). Common intention and Common object.
- b). Abetment and Criminal Conspiracy.
- c). Criminal Misappropriation and Criminal breach of trust.
- d). Wrongful Restraint and wrongful confinement.

(5x 4) 20

Q.No.2 a) Define an unlawful assembly. When does a lawful assembly becomes Unlawful?

- b) Distinguish between rioting and affray.

(10x2) 20

Q.No.3 a) If a public servant framing an incorrect record or writing with intent to Save person from punishment or property form forfeiture, can be Prosecuted? If so, for what offence? What is the maximum imprisonment Provided under the IPC?

(7)

- b) What is forgery? What is the punishment provided under IPC for using a Forged documents as genuine?

(6)

- c) Whether taking gifts etc. to screen an offender from punishment, if the offence is punishable with imprisonment for less than 10 years, is an offence and if so, state the penalty provided under the IPC?

(7)

Contd/-2

PART-B

- Q.No.4 (a) How the search of a closed premises can be effected? What are the Necessary precaution to be taken at that time? (10)
- (b) Discuss the power of Executive Magistrate to direct local investigation, examination of expert and furnishing written instruction in case of an enquiry relating to public nuisance. (10)
- Q.No.5 (a) What is a summery trial? Explain as to what record is to be maintained in Summery trial by the magistrate? What offence can be tried? (10)
- (b) Whether police can arrest any person on refusal to give name and residence? (10)
- Q.No.6 Write short notes on any five of the following:-
- a) What is first information report?
 - ii) Enquiry ;
 - iii) Tender of pardon to accomplice;
 - iv) Cognizable offence ;
 - v) Local jurisdiction;
 - vi) Investigation;
- (5 x4) 20

PART-C

- Q.No.7 (a) What do you mean by burden of proof? On whom does the burden of proof Lie as to a particular fact?
- (b) What do you mean by Judicial notice? What are the facts of which the courts must take judicial notice? (10 x2) 20
- Q.No.8 What is the difference between:-
- a) Admission and confession.
 - b) Relevant facts and fact in issue.
 - c) Proved, disproved and not proved.
 - d) Public documents and private documents (5 x 4) 20
- Q.No.9 (a) What do you mean by extra judicial confession, Discuss its evidentiary Value.
- (b) How much of information received from an accused can be proved under section 27 of the Indian Evidence Act. (10x 2) 20
