

**DEPARTMENTAL EXAMINATION FOR EXCISE & TAXATION
INSPECTORS. OF HIMACHAL PRADESH. JULY-AUGUST,2006**

PAPER.NO.1

LAW OF CRIMES

Time allowed:3 Hours

Maximum Marks:100

**Note:- Attempt any Five questions in all and at least one from each part.
All questions carry equal marks.
Relevant provisions of law should be quoted failing which suitable marks
Will be deducted.**

PART-A

Q.No.1 Distinguish between:-

- a) Force and criminal force.
- b) Theft and Extortion.
- c) Robbery and Deceit
- d) Abetment and criminal conspiracy.

(5 x 4) =20

Q.No.2 a) What is cheating? Whether impersonation amount to cheating? Elucidate

(10)

- b) Whether preparation of false documents by a person in all cases amounts to Forgery or not? Discuss.

(10)

Q.No.3 What offence(s) have been committed in each of the following:-

- a) A, a Excise Officer, is entrusted with the Public money and is either directed by law or bound by a contract, express or implied with the government, to deposit into treasury all the public money he receives or holds. A dishonestly appropriates the money.
- b) A is lawfully arrested by B, A was provoked by this arrest and kills B.
- c) A, makes a false entry in his shop book for the purpose of using it as corroborative evidence in the court.
- d) A, an Excuse Officer torture B to induce him to reveal the place where the liquor is concealed.
- e) 'X' kills 'Y' shooting him with an unlicensed gun by accident.

(5 x 4) 20

Contd/p-2

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PART-B

- Q.No.4 Write short notes on:-
- a) Facts in issue.
 - b) Effect of confession made by an accused while in custody.
 - c) Oral evidence.
 - d) Conclusive proof.
 - e) Presumptions as to documents thirty year old. (5 x 3)15
- b) What is the difference between the Primary & Secondary evidence? (5)
- Q.No.5 What are the Public documents and Private documents? What is the mode of Proof of Public documents and other official documents like orders.
- Notifications, Proclamation orders and regulations issued by any department? (20)
- Q.No.6 a) Who is an Expert? What is the evidentiary value of the expert evidence?
- Whether Excise Officer can be termed as 'Expert' in identifying the Exciseable entries? (15)
- b) Can a witness refer to documents to refresh his memory during examination? If so, when? (5)

PART-C

- Q.No.7 a) State the procedure for search of the closed premises, where illicit liquor is Stored or manufactured? What precautions are necessary to be taken during Such search. (10)
- b) State briefly the circumstances under which the bail can be granted or refused in case of non-bailable offences. (10)
- Q.No.8 Write short notes on the following:
- a) Withdrawal of cases from the court.
 - b) Compounding of offences.
 - c) Tender of Pardon to accomplice.
 - d) First Information Report. (5 x 4) 20
- Q.No.9 a) What is a Summary trial? Explain as to what record is to be maintained in Summary trial by the magistrate? What offence(s) can be tried in such trial?
- b) Whether police can arrest any person on his refusal to give name and address of his residence? (10)
