

**BOARD OF H.P.DPARTMENTAL EXAMINATION**  
**FOR IAS/HAS OFFICERS**  
**APRIL,2016**

Paper 2(Criminal case)

Time allowed-Three hours

Maximum marks-100

Note;1. Attempt both the questions

2. Questions carry the marks indicated against them.

Q.No 1 (a) On 17.07.2010,sh.satish kumars/o Mool Raj r/o Upper Bhajal,P.S Amb.Una,HP has reported in P.S Amb that on 17.07.2010 at about 3.00 P.M,when he was sitting in his courtyard in village Bhajal,his brother accused,Mastan Singh reached there and started uprooting the fence affixed by him and on his objection ,Mastan Singh pulled one stick from the fence and started beating him with that stick after entering into courtyard. Thereafter, his other brother, Hardev Singh also reached the spot and he also caused beatings to him with legs and fist blows. His wife Sharda Devi and daughter, Sarita Devi also gave beating to him. He was rescued by his maternal uncle Chindi Chandel, Shiv Kumar and his wife Rano Devi from their clutches. Thereafter, he came to the Police Station Amb, on which the F.I.R under section 451,323 read with section 34 IPC was registered, annexed (A-1).The complainant was referred for medical examination to CHC Amb. Where the doctor after examining the complainant opined the injury No 1 on the person of the complainant grievous in nature as a result of which section 325 IPC was added against the accused. After finalising the investigation, a challan was filed in the court of JMIC Ist class Amb, district Una. Frame the charges against the accused.

(10)

(b) All the accuseds pleaded not guilty to the charges and was tried by JMIC, Amb. The prosecution examined nine witnesses in support of the case and their statements are recorded Annexure (A-2 to A-10)attached. Please write statement of accused as required under section 313 Cr.P.C

(10)

P.T.O

(c) The accuseds put the defence of denial of occurrence in their statement u/s 313 Cr.P.C/.Write a reasoned judgement on the basis of evidence recorded in the court(Annexure A-2 to A-10)

(30)

Q.NO 2(a) One Sh.Kamal Bir Singh r/o set no 45 Marins Annaxe ,the Mall Shimla had lodged a written complaint in police station Shimla East to the effect that he is residing in set no 45,Marina Annexe ,Mall Road for the last 25-30 years as a permanent resident and owner of the premises. One, Sh Jitander Kukreja s/o Surjan kukreja, my neighbour in the upper story, who is a resident of flat no 49 is illegally and unauthorisedly extending my roof in front side and also abusing and raising quarrels. I am apprehending that these quarrels may not result into serious fights. As such, he may be restrained from climbing up on my roof, as is evident from GD(B-1).Enquiry was conducted and police presented the kalendra under section 107 and 150 Cr.P.C(B-2)against Jitander Kukreja before Ld.SDM Shimla along with the statements(B-3& B-4)recorded during enquiry. On the basis of aforesaid record, draw a notice under section 111 Cr.PC against Jitander Kukreja.

(15)

(b) On the basis of statements of witnesses namely Kamalbir Singh and Smt.Jagjeet Kaur(B-3 & B-4),write a detailed order believing these statements to be true and as if recorded before SDM Shimla,and ask for a bond for maintaining good behaviour and peace from sh. Jitander Kukreja for a period of one year with one surety in the like amount.

(25)

(c) Can an Executive Magistrate reject the surety provided by the respondent for maintaining good behaviour and peace. If yes, what is the procedure under the law

(10)