

**BOARD OF DEPARTMENTAL EXAMINATION
FOR OFFICERS (IAS/HAS)**
Paper No. 2 (Criminal case for IAS/HAS Officers)

Time allowed: 3 hours

October- 2016
Maximum marks-100

NOTE:

1. Attempt both the question.
2. Questions carry the marks indicated against them.

Question No.1.

(a) On 03.06.2015 Smt. Shashi Verma w/o Sh. Sita Ram Verma r/o Khailchora Dhami Tehsil Shimla filed an application before Dhami Police that she and her husband had purchased a piece of land at Dhamandri from Shri Sham Lal and has also built up a house on the land. Shri Sham Lal has threatened her by saying that " tum ya tumahara patti Dhamandri me kabhi nahin dikhne chahiye, nahin to jaan se maar denge hamare pass karib 100 admiyon ki gang hai. Hum kuchh bhi kar sakte hai." Shri Sham Lal has abused her on that day and she is apprehending breach of peace as she is being threatened repeatedly. On the application of Shashi Verma Police prepared a report (Kalandra) and sent to SDM Shimla for appropriate action under the law i.e. u/s 107 & 150 Cr. P.C. The copy of application filed by Smt. Shashi Verma is Annexure-C The copies of Kalandra are Annexure C-3 to Annexure C-7.

Please draw a notice u/s 111 Cr. P.C. against the respondent Sham Lal.

(15 Marks)

(b) On the basis of statement of witnesses namely Sita Ram Verma, Manoj Kumar, Promod Kumar and application of Smt. Shashi Verma i.e. Annexure-C and other statements are annexure at C-5,C-6 & C-7 enclosed. Write a detailed order believing these statements to be true and ask for the bond for maintaining good behavior and peace from Shri Sham Lal for a period of one year with one Surety in the like amount.

(25 Marks)

(c) Can an Executive Magistrate reject the Surety provided by the respondent for maintaining good behavior and peace. If yes what is the procedure under the Cr. P.C.

(10 Marks)

Question No.2.

(a) On 26.07.2008 Sh. Udam Singh has reported to the Police at Hamirpur that on 25.7.2008 when he was strolling at about 9 PM near Shiv Mandir, few boys started abusing him and had beaten him up with dandas. The names of boys were Dinesh, Jangu, Gautam and Amit. As a result of beating given by these boys my one tooth was broken. On the information lodged by Sh. Udam Singh initially a FIR Under Section 341, 323/34 IPC was registered " the copies of which is annexure 'A' and 'A-1'. On receipt of medical report of Sh. Udam Singh, section 325 IPC was added in the challan.

Please prepare charge under section 325, 323 , 341 r/w 34 IPC against all the aforesaid accused (boys).

(10 Marks)

(b) Accused pleaded not guilty to the charge and was tried by the Judicial Magistrate Hamirpur. The Prosecution examined 10 witnesses in support of the case i.e. Annexure B₁ to B-20.

Please read statement of accused under section 313 Cr.P.C.

(10 Marks)

(c) The accused person put the defence of denial of accuracy in the statement recorded under section 313 Cr. P.C. Write down a reasoned judgment on the basis of evidence recorded in this case i.e. annexure B-1 to B-20.

(30 Marks)
