

**BOARD OF DEPARTMENTAL EXAMINATION**  
**DEPARTMENTAL EXAMINATION**  
**FOR TEHSILDARS/ NAIB TEHSILDARS**  
**April 2017.**

**Paper 5 ( Criminal Law and Procedure for Tehsildars/NT)**

**Time allowed -- Three hours**

**Maximum marks -- 100**

- Note:** (1) Attempt any five questions and at least one from each part.  
(2) Questions carry the marks indicated against them.  
(3) Relevant provisions of law be quoted in support of answers.  
(4) Bare Acts of I.P.C., Cr.P.C. and Indian Evidence Act are allowed.

**PART-I**

- Q. 1 (a) Define wrongful gain and wrongful loss ( 5 marks)  
(b) What is a difference between common intention and common object? ( 5 marks)  
(c) When the right of private defence of body extends to Cause death? ( 5 marks)  
(d) What is public nuisance? ( 5 marks)
- Q.2.(a) Define public servant ( 5 marks)  
(b) Define moveable property ( 5 marks)  
(c) What is unlawful assembly and what are its aggravated forms? ( 5 marks)  
(d) What is difference between murder and Culpable homicide not amounting to murder? ( 5 marks)
- Q.3.(a) Discuss the essential elements of criminal misappropriation of property and distinguish between criminal misappropriation of property and criminal breach of trust. ( 10 marks)  
(b) What is document? ( 5 marks)  
(c) A committed house trespass by making a hole through a wall of Z's house and putting his hands

Through the aperture, what offence he has committed

- (d) — Z attempts to horsewhip A, not in such a manner (3 marks) as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z dead. What offence A has committed.

#### PART-II

- Q.4. Define the evidentiary value of the followings (5 X 4 marks)
- (a) Dying declaration.
  - (b) Oral evidence.
  - (c) Handwriting expert.
  - (d) Extra judicial confession.
- Q.5 (i) What constitutes incompetency to give evidence? (10 marks)  
Can a lunatic or dumb person be a competent Witness?
- (ii) What is examination –in –chief, cross examination (10 marks) and Re-examination, the order in which such examination can be done?
- Q.6 (i) Under what circumstance secondary evidence (10 marks) can be lead, discuss the provisions of secondary evidence relating to the documents.
- (ii) What is presumption as to electronic records (5 marks) which is 5 years old?
- (iii) Discuss accomplice (5 marks)

#### PART- III

- Q.7. Discuss the followings
- (i) Cognizable and non cognizable offence (5 marks)
  - (ii) Under what circumstances Magistrate can (5 marks) compel production of any person from wrongful confinement and his power regarding restoration of abducted females.

(iii) Inquest report and provisions related to it ( 10 marks)

Q.8. (i) What are the Magistrate's power to disperse un lawful assembly? ( 10 marks)

(ii) How would a Magistrate deal with a situation when he finds that a dispute accruing a piece of land between two parties is likely to cause a breach of piece? ( 10 marks)

Q.9. (i) When a Magistrate can ask any person for Security for keeping peace ( 10 marks)

(ii) Discuss First Information Report ( 5 marks)

(iii) Under what circumstances Executive Magistrate can arrest a person? ( 5 marks)

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