

BOARD OF DEPARTMENTAL EXAMINATION

IAS/HAS

Paper---2-Criminal Cases.

Time Allowed: 3 Hours

Max Marks : 100

Note:

- 1) Attempt both the question.
- 2) Questions carry Marks indicated against them.

Q.No .1 One Munish Kashyap s/o Parmod Kumar r/o House no -29 Block-7 CPWD colony Bamloe ,District Shimla, aged 24 years had come to Police Station Sadar, Shimla on 6-11-2017 and submitted a written complaint to SHO ,Annexuer "A" Wherein the said Munish has alleged that on 6-11-2017 at about 4.30 P.M, One Sona Devi had abused his sister Rekha Devi w/o Shyam Singh. On being asked by Munish the reason for abusing his sister, Sona Devi gave him the beating. He was rescued from beating by his mother Sunita Devi. He had further stated that he had suffered injury on his body and face and wanted to be medically examined. He had requested for taking criminal action against the accused.

On receipt of complaint, ASI made the necessary enquiry into allegation and took the complainant to DDU, Zonal hospital Shimla, for medical examination .MO issued the MLC wherein no injury was found. The ASI further recorded statements of witnesses ,namely, Rekha Devi, & Sunita Devi. On enquiry ,it was found that Sona Devi w/o Sunil Kumar r/o house no 24 ,Block -7 CPWD, Bamloe, Shimla had abused and gave beating to Munish Kashyap and threatened him to kill. After recording the necessary report in the daily diary the I.O. found that there is every likelihood of breach of peace as contented by the complainant and accordingly a Kalandra under Section 107/150 Cr.PC was prepared and sent to SDM, Shimla under the law.(The copy of Kalandra and a police report is enclosed.)

- a) On the basis of the above report ,prepare the show cause notice under section 111 Cr.P.C to Sona Devi. (15)
- b) Whether SDM, Shimla can ask the respondent to execute a Bond with Surety or without Surety until the inquiry is concluded? Explain in detail. (15)
- c) Write a detailed final order on the basis of statements of witnesses on the case file , to be taken as if recorded by the SDM, Shimla, after the contents of notice sent under section 111 Cr.P.C are admitted by the respondent. (20)

Q.No2 On 7-9-2011 at around 3.30 P.M at Kotla Nalah ,Solan,HP ,Kuldeep Kumar, Kapil Shandil, Dharmendar Thakur & Manjeet Parkash in furtherance of their common intention wrongfully restrained Vinay Bhagnal as well as Anish while they were on their way to Shamti in vehicle No.DL-7CC-8657 and also voluntarily gave beatings to the Vinay Bhagnal as well as Ashish and caused injuries to them. It was further alleged that the aforesaid persons also broken the glasses of the car No DL-7CC-8657 which was owned by Anish. Vinay Bengal reported the matter to police at PS Solan, Sadar by written complaint and on its basis F.I.R. was registered. Thereafter, the police prepared the spot map and photographs of the spot was also taken. The damaged car was also taken into possession by the I.O. The IO got the medical examination of Vinay & Anish, the M.O issued MLC of Vinay and Anish, whereby the medical expert opined that the injuries suffered by the aforesaid injured persons are simple in nature. Thereafter, I.O. also recorded the statements of five persons as witnesses under sec. 161 Cr.Pc as per their version. The investigating officer after completing the other codal formalities, final report under Sec.173(2) Cr.P.C ,Annexure -A-1,was filed in the court.

- a) Prepare the Notice of Accusation against all the four accused. (10)
- b) Accused Kuldeep Kumar, Dharmendar Thakur, Manjeet and Kapil Shandil pleaded not guilty to the accusation. Prosecution examined six witnesses in support of its case, which are Annexure A-2 to A-7 ,which are attached herewith .Please write statements of accused under section 313Cr.PC . (10)
- c) In their Statements recorded under section 313 Cr.PC, all the accused denied all the circumstances and evidences of the prosecution case. Write down a reasoned judgment on the basis of evidences recorded and documents exhibited in the court.(Annexure A-2 to A-16) . (30)