

**BOARD OF DEPARTMENTAL EXAMINATION**  
**FOR TEHSILDARS/NAIB TEHSILDARS**

**PAPER No.5 (Criminal Procedure Code and Code of Civil Procedure)**

DECEMBER 2018

Time allowed:- 3 hours

Maximum marks - 100

NOTE:

1. Attempt any five questions at least one from each Section.
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. , Indian Evidence Act and C.P.C. are allowed.

Part-1

Q. 1 (a) Explain Theft. Explain when theft becomes Extortion or Robbery ?  
.....(20)

Q.2 Write short notes on the following:

- |   |     |
|---|-----|
| (a) Wrongful restraint and wrongful confinement | (5) |
| (b) Forgery                                     | (5) |
| (c) Public Servant                              | (5) |
| (d) Moveable Property                           | (5) |

Q.3 Discuss the essential elements of Criminal misappropriation of property and distinguish between criminal misappropriation of property and criminal breach of trust .....(20)

Part-2

Q.4 Write short notes on the following:

- |  |     |
|--|-----|
| 1.) Bailable and Non Bailable offence      | (5) |
| 2.) Cognizable and Non- Cognizable offence | (5) |
| 3.) Complaint                              | (5) |
| 4.) summon and warrant case                | (5) |

Q.5 What constitutes incompetency to give evidence ? Can a lunatic or dumb person be a competent witness?  
.....(20)

Q.6 Explain examination-in-chief, cross examination and Re-examination, Also explain the order in which such examination is to be done.  
.....(20)

Part-3

Q.7 What is Secondary Evidence ? When Secondary Evidence relating to a document may be given?

.....(20)

Q.8 Write short notes on the following:

- (a) Mesne Profits (5)
- (b) Representative Suit (5)
- (c) Precept (5)
- (d) Judgement (5)

Q.9 (a) Explain in brief Summons to witnesses ? .....(10)

(b) Explain Counter-claim and set-off? .....(10)