

DATE: 21-04-2013
TIME: 1 pm to 4 pm.

WRITTEN EXAMINATION, 2013
for GRADE-II
of
ARUNACHAL PRADESH JUDICIAL SERVICE
GAUHATI HIGH COURT

Paper- IV (Law Paper –2)

Total marks – 100
(three) hours

Time- 3

Group-A: Code of Criminal Procedure

1. Write short notes on (any two): 3x 2= 6
(a) Non cognizable offence (b) Police report.
(c) Victim (d) Warrant case and summons case

2. What are the different criminal courts, which exercise powers in the state? Also state if the term "Magistrate" includes a Judicial Magistrate? 4

OR

Whether the aggregate sentence of imprisonment in a trial for more than one offence can exceed the period to which the Court is competent to inflict conviction of a single offence, if so, what are the exceptions?

3. State the circumstances under which proclamation against a person and attachment of his property can be made? Can a Court release the property from attachment, if so, at what stage? 4

OR

'A' telephonically informed the Officer-in-charge of a Police Station about an occurrence disclosing the identity of the accused person and Police made a G.D. Entry. However, at the arrival of the Police in the place of occurrence, the injured person

submitted a written complaint with the Police. What will be the evidentiary value of the said complaint?

4. What is the procedure to be followed by a Police Officer, if the investigation can not be completed in 24 hours in respect of person arrested and detained in custody? 4

OR

State with reference to the appropriate provision of law, indicating the period to which a Magistrate may authorize detention of the accused person otherwise than in Police custody beyond the period of 15 days. Also state whether a Magistrate of Second Class can authorize detention in custody of Police.

5. State the circumstances under which cognizance of offence, in respect of public servant, not removable from his office save by or with the sanction of the government in respect of any offence alleged to have been committed by him while acting or purporting to act in discharge of his duty, can be taken? 4

OR

Whether Magistrate has the power to dispense with the personal attendance of the accused, if so, when can such power be exercised?

6. Answer the following: 1 x 3=3
- (a) 'A' commits house breaking by day with intention to commit adultery and commits, in the house so entered, adultery with 'B's wife. Here, can 'A' be separately charged with and convicted of, offence under Sections 454 and Section 497 IPC?
- (b) 'A' is accused of an act, which may amount to theft, or receiving stolen property or criminal breach of trust or cheating. Here, what are the offences for which 'A' may be charged?

- (c) 'A' is charged under Section 325 of the Indian Penal Code with causing grievous hurt. He proved that he acted on grave and sudden provocation. Can he be convicted under Section 335 IPC, if so, why?
7. What is the procedure to be followed by a Magistrate in respect of trial of warrant cases instituted on Police report? 2
8. What is plea-bargaining? Can an accused of an offence file application for plea-bargaining in the Court in which the offence is pending for trial? 2
9. Can a Court summon any person as witness or examine any person in attendance, though not summoned as witness, or recall or re-examine any person already examined? If so, at what stage and under what circumstances? 2
10. Can a Magistrate order any person to give specimen signature or handwriting for the purpose of investigation or proceeding, if so, under which provision of the Code of Criminal Procedure? 2

Group-B: Indian Evidence Act

11. Write short notes on any two. 3X2= 6
- (a) Evidence.
 - (b) Public document.
 - (c) May presume and shall presume.
12. Who can take the plea of alibi and on whom does the burden lie to prove such plea? 2
13. What facts are relevant when the existence of any right or custom is in question? 2

14. What is judicial confession? How much of information received by the Investigating Police Officer from the accused can be proved against the accused? 2
15. What is Secondary Evidence and which are Secondary evidence? 2
16. What are extra judicial confession and dying declaration? Can extra judicial confession and dying declaration be the basis of conviction? 2
17. What documents are public documents? Whether certified copy of public document may be produced in proof of contents of the public document, if so, under what provision of law? 2

Group-C: Indian Penal Code

18. Write short notes on any two: 4x2=8
- Public servant.
 - Document.
 - Valuable security.
19. What are the various types of punishment to which offenders are liable under the provisions of Indian Penal Code? 2
20. 'A' is in a house, which is on fire, with 'Z', a child. People below hold out a blanket. 'A' drops the child from the housetop and the child is killed by the fall. Here, can 'A' be held guilty of committing any offence. Explain with reference to the relevant provision of the Code. 2

21. 'Z' under the influence of madness attempts to kill 'A'. State if 'Z' is guilty of any offence and whether 'A' has the right of private defence against 'Z'? 2
22. 'A', a public officer, is authorized by a warrant from a Court of Justice to apprehend 'Z'. 'B' knowing that fact and also that 'C' is not 'Z', willfully represent to 'A' that 'C' is 'Z' and thereby intentionally causes 'A' to apprehend 'C'. Here, who has committed what offence? 2
23. (a) Whether common object is different from common intention, if so, explain? 2
(b) State the circumstances under which accused charged with the aid of Section 149 IPC can be convicted under Section 34 IPC. 2
24. (a) What is culpable homicide? 2
(b) 'A' truck driver, was found driving truck at a high speed, climbed on foot path and hit the deceased from behind. What offence or offences has 'A' committed in this case? 2
25. (a) What are the different kinds of kidnapping? 2
(b) What offence would be caused by a person, if he takes or entices a minor out of keeping of the lawful guardian, without consent of said guardian? 2
26. (a) What is extortion and when does extortion become robbery? 2
(b) 'A' holds 'Z' down and fraudulently takes 'Z's money and jewels from 'Z's cloth without 'Z's consent. Here, what offence has 'A' committed? 2

27. (a) What is dishonest misappropriation of property? 2
- (b) 'A' being on friendly terms with 'Z', goes into 'Z's library in 'Z's absence and takes away a book without 'Z's consent. Here, 'A' was under the impression that he had 'Z's implied consent to take the book for the purpose of reading it. Has 'A' committed any offence? Can 'A' be held guilty of any offence, if he sells the book for his own benefit? 2
28. (a) State if Section 498(A) and Section 304(B) IPC are mutually exclusive. 2
- (b) What are the ingredients of Section 498(A) and Section 304 (B) IPC? Against whom and under what circumstances, presumption can be drawn regarding the guilt? 2

Group-D: Law of Torts

29. Answer any three questions: 3 x3=9
- (a) What are the general exceptions from tortious liability?
- (b) What is malicious prosecution?
- (c) What do you mean by "res ipsa loquitor"?
- (d) What are the remedies available for torts?

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