

DATE: 28-04-2013  
 TIME: 1 pm to 4 pm

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

**Paper- IV (Law Paper –2)**

Total marks – 100

Time- 3 (three) hours

**Group- A : Code of Criminal Procedure**

1. Write short notes on (any two): 4<sup>1</sup>/<sub>2</sub> x 2= 9
- |                      |                         |
|----------------------|-------------------------|
| (a) Bailable offence | (b) Cognizable offence. |
| (c) Complaint        | (d) Warrant case        |
2. What are the sentences, which may be passed by various Judicial Magistrates? 4

**OR**

Is there any limit with regard to the term of imprisonment in default of payment of fine, if so, explain?

3. State in what manner summons can be issued and served. Also state the manner of service of summons on corporate bodies and societies? 4

**OR**

What is FIR? Whether any oral information given to an Officer-in-charge of a Police Station regarding commission of an offence can be treated as FIR? What is the remedy available to a person aggrieved by refusal on the part of an Officer-in-charge of Police Station to receive and record information regarding commission of a cognizable offence?

4. Who and under what provision of the Code can record confession of accused and statement of witness? Also indicate the procedure, to be followed by a Magistrate, in respect of a person, who states that he is not willing to make confession? 4

**OR**

What is the ordinary place of trial and what shall be the place of trial in respect of an offence committed on journey or voyage and the offence, committed by letters or tele-communication messages?

5. Who and under what circumstances can take cognizance of offence? Also state whether a Magistrate of the Second Class can take cognizance of offence, if so, when? 4

**OR**

State the procedure required to be followed by a Magistrate on receipt of a complaint.

6. What is the procedure, to be followed by a Magistrate in respect of a complaint, which discloses offence(s) exclusively triable by Court of Session? 4

**OR**

State the procedure to be followed after examination of the prosecution witnesses. Also explain the object of examination of the accused person under Section 313 Cr.P.C.

7. State the procedure to be followed in case of trials of summons cases by Magistrate. 4

**OR**

Can a Magistrate visit and inspect the place of offence, if so, at what stage and under what circumstances?

8. Who and at what stage can withdraw from prosecution of any person either generally or in respect of anyone or more of the offences for which he is tried? What are the consequences of such withdrawal? 4

**OR**

What is the procedure to be followed by a Magistrate when it appears to him, after taking evidence that he cannot dispose of the matter for want of jurisdiction?

### **Group-B: Indian Evidence Act**

16. Write short notes on (any two) 2½ x 2 = 5  
(a) Document.  
(b) Fact in issue.  
(C) Relevant fact.
- 17 Explain when facts not otherwise relevant become relevant. 2
18. Distinguish admission and confession? State if confession can be sole basis of conviction? 2

19. What is Primary Evidence? State the manner in which contents of a document may be proved. 2

20. (a) A is charged with traveling on train without a ticket. On whom does the burden of proof lie? 2

21. What is Estoppel? 2

**Group-C: Indian Penal Code (IPC)**

22. Write short notes on (any three) 2 x3= 6  
(a) Wrongful gain and wrongful loss  
(c) Valuable security  
(b) Document  
(d) Dishonestly

23. State the term for which an offender can be imprisoned, in default of payment of fine, when the offence is punishable with fine only? 2

24. State, if act done in good faith for benefit of a person without consent, is an offence? Explain with an illustration. 2

25. What is right of private defence? Whether a person has right of private defence of the body and of property? If so, explain. 2

26. 'A' instigates 'B' to murder 'C'. 'B' refuses to do so. State if 'A' is guilty of any offence? 2

27. Distinguish between Section 34 IPC and 149 IPC. Whether Section 34 IPC is substantive offence? 2

28. What is hurt and when does a hurt become grievous hurt? 2

29. Whether an accused can be held guilty of voluntarily causing hurt, if he intending to hurt one, causes hurt to another? 2

30. (a) Explain what are wrongful restrain and wrongful confinement. 2

- (b) 'A' obstructs a path along which 'Z' has a right to pass. State the offence committed by 'A'. 2
31. (a) What is theft and when does theft become robbery and robbery become dacoity? 2
- (b) 'A' finds a ring lying on the road, not knowing to whom it belongs, sells it immediately. State under what circumstances and for what offence 'A' can be held guilty? 2
32. What is cheating and when can a person be held guilty of the offence under Section 420 IPC? 2
33. State the ingredients, which constitute the offence under Section 498(A) IPC. 2
34. Who and under what circumstances can claim maintenance allowance under Section 125 Cr.P.C. 2
35. What is criminal intimidation and which provision of the Code provides the punishment for criminal intimidation? 2

### **Group-D: Law of Torts**

36. Write short notes on (any three) 3x4=12
- What do you mean by tort?
  - What is the distinction between libel and slander?
  - What do you mean by doctrine of strict liability?
  - What do you mean by Vicarious Liability?

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