Andhra Pradesh Civil Judge (Mains) 2021

Paper II: Criminal Laws · compulsory paper

Date: 22-01-2022 · Time: 3 Hours, 2.00 p.m. to 5.00 p.m. · Maximum Marks: 100

Instructions to the candidates: Question paper consists of 10 questions. Answer all the questions. Each question carries a total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub-question or part are indicated. Questions must be answered in English.

1. (a) Is a person other than a Public Prosecutor / A.P.P. entitled to conduct a prosecution? If so when and how?

(b) Discuss with provisions of law if a Police Officer (who is a part of investigation of the offence) can conduct a prosecution.

(c) What is the procedure to be followed if a Corporation or a Society is an accused?

(d) What is the power of a Judge or Magistrate under Cr.P.C. for "local inspection"? Can an accused file an "objection" to the report? Will it be a part of the Court record? (4 x 2½ = 10 Marks)

2. (a) Discuss briefly with case law / provisions of law, the recent trend of cases wherein in a long standing sexual relationship between two adults charges of a rape are being filed? Can a charge of rape be filed in such cases?

(b) Discuss briefly with case law / provisions of law etc., the trend of adding criminality to a purely civil dispute? What are the remedies open to an accused who urges that a civil case is converted into a criminal case? (2 x 5 = 10 Marks)

3. (a) What is the procedure to be followed in case an accused is a person of unsound mind?

(b) What is the procedure to be followed by a Court if it feels an offence under Section 195 (1)(b) is committed?

(c) When can a Court take cognizance of an offence of contempt for lawful authority; offences against public justice; offences relating to documents given in evidence?

(d) What is the procedure for trial for giving false evidence? (4 x 2½ = 10 Marks)

Write short notes:

4. (a) Who is entitled to claim maintenance under Section 125 Cr.P.C.? What are the factors the Court should consider for awarding the same?

(b) Opinion of an expert (handwriting or ballistics) and its evidentiary value. (2 x 5 = 10 Marks)

5. (a) What is the evidentiary value of a statement as to any law in a law book?

(b) What is the evidentiary value of a statement or a fact by a person who is dead or cannot be found when it is made in the course of business?

(c) When and for what facts is an opinion of a third person / third party relevant?

(d) When can a search warrant be issued? (4 x 2½ = 10 Marks)

6. Discuss the essential ingredients of an offence of "Cheating". Discuss with relevant case law the trend of registering a case of cheating etc., in cases of failure to marry? 10 Marks

7. (a) Discuss the mode of proof of a document purporting to be a proceeding of a Legislature or of a Municipal body in a State?

(b) When can written arguments be filed in a Criminal trial? Can such a Court regulate or control oral submissions of a counsel or prosecutor?

(c) Can a Writ Petition be filed if the police refuse to register a case when the report discloses the Commission of a cognizable offence? What is the proper remedy?

(d) Can an Executive Magistrate interfere in disputes relating to land / water etc.?

8. (a) What are the procedural formalities to be followed (as per the Juvenile Justice Act) when a "Child" is apprehended by the police? (4 x 2½ = 10 Marks)

(b) What is the nature of enquiry by the Board in case of a heinous crime committed by a child? Can the Board "try" the child for the offence?

(c) Indicate briefly the procedure for recording a dying declaration? What are the procedural safeguards to be followed for recording a dying declaration?

(d) What are the steps / safeguards to be taken by a Magistrate / Judge receiving FIRs by person / messenger or by post? (4 x 2½ = 10 Marks)

9. (a) Define a "domestic relationship" under the DVC Act, 2005?

(b) What are the forms of "abuse" recognized under the DVC Act, 2005?

(c) In which Court can a woman who is apprehending eviction from a shared household file a case for protection. Explain briefly.

(d) What are monetary reliefs that can be granted under the Protection of Women from D.V.C Act, 2005. (4 x 2½ = 10 Marks)

10. (a) Explain briefly the difference between culpable homicide and murder?

(b) Discuss briefly about the offence, if any, with regard to negligent conduct with fire / combustible material / dangerous gas. (2 x 5 = 10 Marks)