Assam Judicial Service Grade III (Mains) 2018

Paper IV · Law II · compulsory paper

100 marks · 3 hours · 4 December 2018

INDIAN PENAL CODE

1(A). A, having reason to believe that the persons concerned are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, has committed an offence under what provision of the Indian Penal Code? (a) Section 390 (b) Section 216-A (c) Section 378 (d) Section 441

1(B). Any person who sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious is guilty under what provision of the Indian Penal Code — (a) Section 272 (b) Section 268 (c) Section 273 (d) Section 275

1(C). Whoever obstructs a public servant from discharging his duties is guilty of under what provision of the Indian Penal Code — (a) Section 186 (b) Section 187 (c) Section 183 (d) Section 189

1(D). Whoever is guilty of rioting with a deadly weapon is guilty under what provision of the Indian Penal Code — (a) Section 142 (b) Section 146 (c) Section 148 (d) Section 150

1(E). Voluntarily causing grievous hurt by dangerous weapon or means is punishable under what provision of the Indian Penal Code — (a) Section 321 (b) Section 325 (c) Section 326 (d) Section 324

2(a). Write the difference between the following by referring to the relevant provision of the Indian Penal Code — Theft and Robbery. (3 marks)

2(b). Culpable Homicide amounting to murder and Culpable Homicide not amounting to murder.

2(c). Hurt and Grievous Hurt.

2(d). Mischief and Public Nuisance.

3(a). Write short notes on — Criminal Intimidation. (4 marks)

3(b). Abduction, kidnapping and trafficking. (4 marks)

INDIAN EVIDENCE ACT

1. Write a short note on burden of proof. Under what circumstances the burden of proof shifts to the other party. (5 marks)

2. Write a brief note on primary evidence and secondary evidence. How the contents of a document can be proved. (5 marks)

3. Write a brief note on extra judicial confession. Is there any situation under which an extra judicial confession can be the basis for conviction. (5 marks)

4. What are public documents and private documents. (5 marks)

5(1). Relevance of a confession made by a person whilst he is in the custody of a police officer and under what circumstances such confession can be proved.

5(2). When an oral admission as to the contents of electronic records are relevant.

CRIMINAL PROCEDURE CODE

1(i). Write any three — Write a brief note on examination of witness by police and of recording of confession and statements. (5 marks)

1(ii). Write a short note on the procedure to be followed after submission of final report/charge sheet by the investigating authority.

1(iii). Write a brief note on victim compensation scheme with reference to the relevant provision.

1(iv). Write a short note on Plea Bargaining with reference to the relevant provision in the CrPC.

2(i). When an application for pre arrest bail is not applicable. (1 mark)

2(ii). An F.I.R is lodged under which section of CrPC.

2(iii). An Appeal against acquittal can be filed by the victim under which provision of the CrPC.

2(iv). Under which provision, the Magistrate examines on oath a complainant upon a complaint being filed before him.

2(v). Under what circumstance the court can discharge the accused.

3(i). What safeguards are available to a public servant from prosecution under the CrPC and the exceptions thereon, if any. (2.5 marks)

3(ii). Write a brief note on the provisions of section 4 of CrPC. (2.5 marks)

LAW OF TORTS

1. Write a note on the master's liability to the wrong acts of the servant and the possible exception to such liability. (5 marks)

2. Illustrate some of the circumstances under which a right of action vested in the plaintiff for a tortuous liability comes to an end. (5 marks)

3. Write a brief note on the statutory compensation available in respect of a tortuous liability. (5 marks)

4. Write about the defences that are available to the defendant in a claim of compensation for defamation. (5 marks)

5(a). Write short note on — Negligence. (2.5 marks)

5(b). Strict Liability. (2.5 marks)