Assam Judicial Service Grade III (Mains) 2020

Paper IV · Law II · compulsory paper

100 marks · 3 hours · 22 January 2021 (2020 recruitment)

GROUP-A: INDIAN PENAL CODE

1(a). Fill in the blanks in the following illustrations with the appropriate offence defined in the Indian Penal Code. A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits _____.

1(b). A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed _____.

1(c). A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an _____ upon Z.

1(d). A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed _____.

1(e). Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed _____.

2(a). What are the various punishments to which the offenders are liable under the provisions of the Indian Penal Code? (2 marks)

2(b). What are the different stages of the commission of a crime? (2 marks)

2(c). In what way is the offence of dacoity different from robbery and theft? (2 marks)

3(a). Write the difference between the following by referring to the relevant provisions of the Indian Penal Code — Wrongful restraint and wrongful confinement. (3 marks)

3(b). Theft and extortion. (3 marks)

3(c). Common intention and common object. (3 marks)

4. In the Indian Penal Code, culpable homicide is genus and murder is specie. Thus, every murder is a culpable homicide, but every culpable homicide is not murder. Discuss. (5 marks)

GROUP-B: CRIMINAL PROCEDURE CODE

5(a). Distinguish between — Reference and Revision. (2 marks)

5(b). Warrant case and Summons case. (2 marks)

5(c). Acquittal and discharge. (2 marks)

6. Explain the difference between Investigation, Inquiry and Trial. (6 marks)

7. What is compoundable offence? What is the legal effect of valid composition? Briefly state the salient differences between composition and withdrawal. (6 marks)

8. X, an accused is arrested by Y, a police officer, without a warrant. After such arrest, X was kept in the custody of police for 28 years without the order of a Magistrate for interrogation in a crime which has got wide publicity in the media. Is the detention of the accused legal? Give reasons citing the relevant provisions, if any, under the Code of Criminal Procedure, 1973. (7 marks)

GROUP-C: INDIAN EVIDENCE ACT

9(i). Choose the correct answer from the given options. Generally dying declarations are admissible as evidence under — [A] Section 20 of the Indian Evidence Act, 1872. [B] Section 25 of the Indian Evidence Act, 1872. [C] Section 32 of the Indian Evidence Act, 1872. [D] Section 35 of the Indian Evidence Act, 1872.

9(ii). A person summoned to produce a document — [A] Does not become a witness in the case unless he is called as a witness [B] Automatically becomes a witness in the case. [C] Automatically becomes an hostile witness in the case. [D] Can be cross-examined without being called as a witness.

9(iii). Presumptions under the law of evidence are — [A] Presumptions of fact. [B] Presumptions of law. [C] Both [A] and [B]. [D] Only [B] and not [A].

9(iv). Confession of an accused is admissible against the other co-accused under — [A] Section 28 of the Indian Evidence Act, 1872. [B] Section 29 of the Indian Evidence Act, 1872. [C] Section 30 of the Indian Evidence Act, 1872. [D] Section 31 of the Indian Evidence Act, 1872.

9(v). A disputed handwriting can be proved — [A] by calling an expert. [B] by examining a person acquainted with handwriting of the writer of the questioned document. [C] by comparison of the two — 'admitted and disputed' handwritings. [D] All the above.

10(a). Write short notes (any three) — Res gestae. (4 marks)

10(b). Test identification parade. (4 marks)

10(c). Corpus delicti. (4 marks)

10(d). Evidence of approver. (4 marks)

10(e). Onus probandi. (4 marks)

11. What are the rules regarding “leading question”, “examination-in-chief” and “cross-examination”? When leading questions may be asked? What questions are lawful in cross-examination? (7 marks)

GROUP-D: LAW OF TORTS

12(a). Write explanatory notes on any two of the following — Doctrine of Res Ipsa Loquitor. (5 marks)

12(b). Defence of Vis Major. (5 marks)

12(c). Ingredients of the tort of Nuisance. (5 marks)

13(a). Distinguish between (any two) — Tort and Crime. (2½ marks)

13(b). Damnum sine injuria and Injuria sine damno. (2½ marks)

13(c). Tortious Liability and Contractual Liability. (2½ marks)

14. Critically examine the vicarious liability of the State for the tortuous acts of its employees. (5 marks)

15. "Strict liability admits defences, but no defences can be claimed under the rule of absolute liability". Comment. (5 marks)