Assam Judicial Service Grade III (Mains) 2021

Paper IV · Law II · compulsory paper

Gauhati High Court · 29 May 2022 · 1 pm to 4 pm · 2021 recruitment · 100 marks

Group A — Indian Penal Code

1. Choose most appropriate (1 × 5 = 5)

1(i) The Indian Penal Code is divided into? (a) XXIV Chapters and 512 Sections (b) XXIV Chapters and 511 Sections (c) XXIII Chapters and 512 Sections (d) XXIII Chapters and 511 Sections.

1(ii) As per section 10 IPC, man denotes a male human being and woman a female human being of age? (a) above 7 years (b) above 18 (c) above 21 (d) any age.

1(iii) A hangman who hangs prisoners pursuant to orders of court exempt by virtue of? (a) section 76 (b) section 78 (c) section 77 (d) section 80.

1(iv) A is invited by B for tea. While B is in kitchen A finds a golden ring on table. He picks it up and places it somewhere in room intending dishonestly to take it away later. A commits? (a) Dishonest misappropriation (b) Theft (c) Attempt theft (d) Cheating.

1(v) Which not essential ingredient of kidnapping under IPC? (a) Minor child (b) Intention of accused (c) Without consent of lawful guardian (d) Out of keeping of lawful guardian.

2. Name offences (1 × 3 = 3)

2(i) A enters into or upon property in possession of B after taking precautions to conceal entry from B and others, with intent to commit offence or intimidate, insult or annoy B.

2(ii) X causes cattle to enter upon Y's field intending and knowing likely damage to Y's crop.

2(iii) M intentionally deceives N into belief M performed contract when he has not, thereby dishonestly inducing N to pay money.

3. Answer any two (3 × 2 = 6)

3(i) How do theft and extortion become robbery? When can robbery be branded dacoity?

3(ii) State briefly criminal misappropriation of property and criminal breach of trust.

3(iii) What is kidnapping? Distinguish from abduction. Whether age a factor in kidnapping?

4. A, B, C and D jointly plan to beat up X. While X is being assaulted, his daughter intervenes who is molested by D. While retreating from X's house B picks up a watch. For what offence A, B, C and D liable? (4 marks)

5. Define right of private defence. When does person not have it? When extends to causing death? When starts and ends? (7 marks)

Group B — Criminal Procedure Code

6. Choose most appropriate (1 × 5 = 5)

6(i) Term taking cognizance means (a) starting trial (b) completing preliminary steps (c) taking notice judicially (d) administrative act deciding if trial required.

6(ii) Magistrate under section 203 can dismiss complaint (a) even if proceedings against accused commenced (b) sufficient ground for proceeding (c) even if inquiry under section 202 not done (d) even complainant not examined.

6(iii) Section 160 authorises police officer to (a) summon person as witness (b) production documents (c) production articles (d) all.

6(iv) During inquiry or trial accused remanded to custody under (a) section 167(1) (b) section 167(2) (c) section 309(1) (d) section 309(2).

6(v) If proclaimed person does not appear within specified time, attached property (a) not sold until expiry six months from attachment (b) not sold until claims or objections under section 84 disposed (c) both (d) either.

7. Discuss salient differences (any two, 2½ × 2 = 5)

7(i) Assistant Public Prosecutor and Public Prosecutor.

7(ii) Recording statement under section 161 and statement under section 164.

7(iii) Summons procedure case and warrant procedure case.

8. What is relevance of Schedule I of CrPC? Discuss relevance to IPC and bailable/non-bailable and cognizable/non-cognizable offences. (7 marks)

9. Under what circumstances and by whom maintenance may be claimed under CrPC? When wife not entitled? When Magistrate can cancel order? Whether alteration possible? (8 marks)

Group C — Evidence Act

10. Choose most appropriate (1 × 5 = 5)

10(i) Facts forming part same transaction relevant (a) section 5 (b) section 6 (c) section 7 (d) section 8.

10(ii) Plea of alibi governed by (a) section 6 (b) section 8 (c) section 12 (d) section 11.

10(iii) Contents document proved under section 61 (a) primary (b) secondary (c) either (d) only primary.

10(iv) Due execution of document more than thirty years old from proper custody is (a) presumption of fact (b) rebuttable presumption law (c) irrebuttable presumption law (d) fact and law.

10(v) Presumption continuance of life contained in (a) section 106 (b) section 107 (c) section 108 (d) section 109.

11. Short notes any two with examples (2 × 2 = 4)

11(i) Primary evidence.

11(ii) Public documents.

11(iii) Extra Judicial Confession.

11(iv) Doctrine of Estoppel.

12. Distinguish any two (4 × 2 = 8)

12(i) Giving false information and giving false evidence.

12(ii) Public document and Private document.

12(iii) Admission and confession.

13. Discuss various kinds of presumptions under Evidence Act with reference to specific provisions. (8 marks)

Group C — Law of Torts (as printed)

14. Brief notes any two (2½ × 2 = 5)

14(i) Doctrine of strict liability.

14(ii) Res ipsa loquitur.

14(iii) Exception to maxim volenti non fit injuria.

14(iv) Defence of qualified privilege.

15. Discuss any four cases (4 × 3 = 12)

15(i) Rylands vs. Fletcher.

15(ii) Ashby vs. White.

15(iii) Jai Laxmi Salth Works [P] Limited vs. State of Gujarat.

15(iv) Union Carbide Corporation vs. Union of India.

15(v) M.C. Mehta vs. Union of India.

15(vi) Municipal Corporation of Delhi vs. Association of Victims of Uphaar Tragedy.

15(vii) DAV Managing Committee & Anr., v. Dabwali Fire Tragedy Victims Association.

15(viii) Sanjay Gupta and others vs. State of Uttar Pradesh through its Chief Secretary and others.

16. "A tort is an infringement of right in rem of an individual, giving a right of compensation at the suit of the injured party." Discuss and state how tort differs from crime and breach of contract. (8 marks)