Assam Judicial Service Grade III (Mains) 2025

Paper IV · Law II · compulsory paper

Gauhati High Court · 25 October 2025 · 1:00 pm to 4:00 pm · 100 marks

PART A: Indian Penal Code, 1860. 1. Write short notes on any 2 (two) of the following (2.5×2=5).

1(a). Difference between Preparation and Attempt to commit an offence.

1(b). Right of private defence of body and property.

1(c). Principle of Vicarious liability in IPC, 1860.

1(d). Unsoundness of mind as a defence under section 84 IPC.

2. Explain the essential ingredients of theft under Section 378 IPC. How does it differ from extortion and robbery? (4)

3. Discuss the concept of common intention under section 34 IPC. How does it differ from Common Object under section 149 IPC? (4)

4. Discuss briefly, with illustrations, the ingredients of the offence of cheating under Section 415 IPC. What is the punishment prescribed for an offence of cheating? (4)

5. Explain the essentials and punishment for the offence of Rioting under the IPC, 1860. (3)

PART B: Bharatiya Nyaya Sanhita, 2023. 6. Write short notes on any 3 (three) of the following (2×3=6).

6(a). State the definition and essential ingredients of the offence of criminal conspiracy under section 61 of BNS, 2023.

6(b). Discuss the concept of consent in offences against women under the BNS, 2023. How has it evolved through judicial decisions?

6(c). Elaborate the offence of wrongful confinement under section 127 BNS, 2023 with examples. How does it differ from "wrongful restraint"?

6(d). Define "dishonest misappropriation of property" under Section 314 BNS, 2023. What are the essential ingredients to constitute the offence of "dishonest misappropriation of property"?

7. A causes B's death, while intending to only cause bodily injury likely to result in death. Examine A's liability with reference to relevant provisions of BNS, 2023 and relevant decisions. (4)

8(a). Discuss the essential ingredients of abatement as defined under BNS, 2023. How does BNS address the scope and punishment for abatement compared to IPC? (5)

8(b). OR: Explain the principle of "mens rea" as reflected in the structure and scheme of BNS, 2023 (5).

PART C: Criminal Procedure Code, 1973. 9. Write short notes on any of the 2 (two) of the following (3×2=6).

9(a). Define cognizable offence and non-cognizable offence under Cr.PC, 1973. Explain their significance in investigation and arrest procedure.

9(b). Powers and duties of Magistrate under Chapter-XVI of the Cr.PC, 1973 when the offence is triable exclusively by the court of Sessions.

9(c). Compounding of offences under section 320 Cr.PC, 1973.

9(d). Procedure for recording of confessions and statements under Section 164 Cr.PC, 1973.

10. Explain the concept of Anticipatory bail under section 438 Cr.PC, 1973. What conditions must be met for anticipatory bail to be granted? Discuss with reference to case laws. (4)

11(a). Discuss the powers of the High Court under section 482 Cr.PC, 1973. What is the scope of these inherent powers for prevention of miscarriage of justice? (5)

11(b). OR: Define Maintenance, Briefly discuss the provisions for maintenance of wife under the provisions of Cr.PC. (5)

PART D: Bharatiya Nagarik Suraksha Sanhita, 2023. 12. Write notes on any of the 2 (two) of the following (2.5×2=5).

12(a). Explain the rights of an arrested person.

12(b). What is a complaint? Explain the procedure to be followed by a Magistrate on receiving a complaint under BNSS, 2023.

12(c). What are the circumstances in which a person can be released on bond instead of being arrested?

12(d). Briefly state the provisions relating to service of summons under BNSS, 2023.

13. Explain the procedure of trial of Warrant Cases instituted on a police report under BNSS, 2023. Illustrate the stages of such proceeding. (5)

14(a). Explain the provisions relating to Judgment, Sentence and Compensation to victims under BNSS, 2023. (5)

14(b). OR: Discuss the provisions under BNSS, 2023 relating to security for keeping good behavior (5).

PART E: Indian Evidence Act, 1872. 15. Write short notes on any 3 (three) of the following (2×3=6).

15(a). What are "facts in issue" and "relevant facts"? Explain their interrelation with reference to the provisions of the Indian Evidence Act, 1872.

15(b). Discuss the Rule of hearsay evidence and the exceptions under the Indian Evidence Act, 1872.

15(c). Discuss the admissibility and evidentiary value of dying declaration under section 32(1) of the Indian Evidence Act, 1972.

15(d). Define "Evidence" under the Indian Evidence Act, 1972. Distinguish between oral and documentary evidence.

16. Explain the provisions relating to Burden of proof and Onus of proof under the Indian Evidence Act. How are these provisions applied in Criminal Proceedings? (5)

17. Under what circumstances can secondary evidence be given relating to documents. What is the Best Evidence Rule? (4)

PART F: Bharatiya Sakshya Adhiniyam, 2023. 18. Write short notes on any 4 (four) of the following (2.5×4=10).

18(a). Explain the principle of estoppel under BSA, 2023. How does it operate as a rule of evidence and not of substantive law?

18(b). What is the doctrine of res gestate under BSA, 2023?

18(c). Discuss admissibility of expert opinion.

18(d). Explain the concept of "compulsion to testify" under Section 132 BSA, 2023.

18(e). What is cross examination and what are it's limits?

18(f). Explain the term "competency of a witness".

18(g). Discuss the relevancy of confessions to Police and consequential recoveries.

PART G: Law of Torts. 19. Write short notes on any 2 (two) of the following (2.5×2=5).

19(a). Explain the law relating to negligence. What are the essentials that must be proved by a plaintiff in an action for negligence?

19(b). Discuss the principles of vicarious liability of the state for the wrongful acts of it's servants.

19(c). Discuss the defences available for an action for tort. Illustrate with examples and case laws.

19(d). Discuss the limitation to the application of the maxim volenti nonfit injuria.

20. Answer any 2 (two) of the following (2.5×2=5).

20(a). Distinguish between libel and slander.

20(b). Distinguish between strict liability and absolute liability.

20(c). Distinguish between Malfeasance, Misfeasance and Nonfeasance.

20(d). Distinguish between liquidated and unliquidated damages.