Chhattisgarh Civil Judge (Mains) 2016

Mains Paper: Judgment Writing and Translation · compulsory paper

Time: 3 hours · Maximum Marks: 100

Instructions

This paper consists of three questions. Question No. 3 contains two translations. Attempt all questions.

Question No. 1 [40 Marks]

Read the following carefully and write judgement after framing necessary issues:

One trader, Alok Jain gave a loan of Rs. 20,000/- to Sohanlal Gupta on 1.1.2012 at Raipur. In return, Sohanlal Gupta executed a promissory note. Alok Jain is residing in Raipur and Sohanlal Gupta is residing in Bilaspur. When Alok Jain demanded the money by writing a letter on 1.10.2014, Sohanlal Gupta gave a reply assuring Alok Jain that the amount in question will be paid by him within a period of two years as presently he is having financial difficulties. Subsequently, Alok Jain filed a suit on 1.1.2016 for recovering the amount in the Civil Court at Raipur. Sohanlal Gupta took the plea that the Raipur Court has no territorial jurisdiction to decide the suit. Sohanlal Gupta filed his written statement raising the point that the suit is filed after a period of three years from the date of transaction and, therefore, it is time-barred. A plea was also taken in the written statement that he had not received any amount and also he had not signed the promissory note.

Question No. 2 [40 Marks]

Read the following carefully and write judgement after framing necessary charges.

The prosecution case is that on 11.6.2010 Shri Rajendra Patel, the father of student named Ashok Patel submitted his son's marksheet to use it for securing admission in the Medical College. The total marks shown in the marksheet were more than that which the student would have got even if he had secured cent-percent marks, which raised the suspicion of the Admission Scrutiny Committee, headed by Dr. D.S. Tomar. Moreover, the said marksheet purported to have been issued after revaluation, bore the same date and seal as that of the original marksheet. Dr. D.S. Tomar, therefore, lodged FIR against Shri Rajendra Patel in Shankar Nagar, Police Station, Raipur.

During investigation, necessary seizure was done. After completion of investigation, the police filed chargesheet against Shri Rajendra Patel.

Defence Counsel raised the plea that the accused had not himself forged the marksheet and that he did not know that the marksheet was a forged one. It was also pleaded on his behalf that the alleged forgery had not actually been acted upon, therefore, he cannot be held guilty of this offence.

Question No. 3 (A) [10 Marks]

Translate the following Hindi passage into English.

वर्तमान परिप्रेक्ष्य में अपराध-रहित समाज की परिकल्पना करना पूर्णत: निरर्थक है क्योंकि जीवन की जटिलताओं, बढ़ते हुए भौतिकवाद और शीघ्रातिशीघ्र धन-सम्पन्न बनने की महत्वाकांक्षा जैसे कारकों के फलस्वरूप जनसाधारण में धीरे-धीरे नैतिक मूल्यों का पतन हो रहा है और वे निरंतर अपराध के मार्ग की ओर प्रवृत्त हो रहे हैं। आश्चर्य तो इस बात का है कि कानून का भय भी उन्हें अपने इस कुत्सित मार्ग से डिगा नहीं पाता। हालांकि वास्तविकता यह है कि समाज में ऐसे व्यक्तियों की संख्या अत्यंत अल्प होती है जो कि आपराधिक गतिविधियों में संलिप्त रहते हैं लेकिन इस नगण्य संख्या के बावजूद ये थोड़े से व्यक्ति ही देश की संपूर्ण कानून व्यवस्था के लिए एक गंभीर चुनौती बन जाते हैं और देश की आपराधिक विधि का ध्यान इन्हीं व्यक्तियों के क्रियाकलापों को

नियंत्रित व निवारित करने में लगा रहता है। तथापि ऐसा नहीं है कि यह समस्या भारत वर्ष मात्र में ही अपना अस्तित्व बनाए हुए हो, बल्कि यह एक विश्वव्यापी समस्या है जो प्रायः सभी देशों में किसी न किसी रूप में विद्यमान है। यही कारण है कि प्रायः विश्व के सभी देशों की आपराधिक-विधि का प्रमुख उद्देश्य केवल यही रहता है कि कानून का अतिलंघन करने वाले व्यक्तियों को दंडित किया जाए और विश्व में सर्वत्र शांति की स्थापना के लिए प्रयास किये जाएँ।

Translation passage (English into Hindi): not available.