Delhi Judicial Service (Mains) 2023 (held April 2024)

Paper 4: Criminal Law · compulsory paper

Instructions: (i) Read the questions carefully and answer as directed. (ii) Fifteen minutes are allowed before the examination begins to read the paper and make notes on it. (iii) The answer to each question should begin on a fresh page. (iv) Support each answer with reasons, relevant legal provisions and principles and also relevant case laws. (v) Even if you do not know the answer, it is advisable to attempt, as the test is not only of the knowledge of law but also of analytical reasoning. (vi) Write your Roll Number at the top before answering. **Maximum marks: 200.**

Part A: answer any six questions out of the seven questions in Part A. All parts of the question must be answered.

1. (a) "The principles of just punishment are the bedrock of sentencing in respect of criminal offence". Elaborate these principles with relevant Section of the Indian Penal Code, 1860. 10 Marks

1. (b) Expression "Rash or Negligent Act" has been mentioned in the Indian Penal Code, 1860. What conditions are to be satisfied for conviction under the above Code? 10 Marks

2. (a) What are the essential ingredients in order to constitute the offence under the Indian Penal Code, 1860 with regard to "Assault or Criminal Force to Woman with intent to outrage her modesty". Explain with appropriate Section of the Code. 10 Marks

2. (b) Chapter XV of the Indian Penal Code, 1860 deals with "Offences relating to Religion". Under this Chapter, Section 295-A provides for punishment for deliberated and malicious acts intended to outrage religious feelings of any Class by insulting its religion or religious belief. Elucidate and explain the legal effect of the above provision. 10 Marks

3. (a) Which are the provisions in the Code of Criminal Procedure, 1973 which deal with: (i) Compensation. (ii) Victim Compensation Scheme. (iii) Compensation to be in addition to fine. (iv) Treatment of Victims. (v) Compensation to persons groundlessly arrested. Write in brief. 15 Marks

3. (b) What is the difference between "Police Custody and Judicial Custody" as per Code of Criminal Procedure, 1973. For how long can an accused be detained under police custody or judicial custody. 5 Marks

4. (a) Which are the provisions under the Code of Criminal Procedure, 1973 which deal with 'Bail'. 10 Marks

4. (b) Broadly, in how many categories Bail can be classified. 5 Marks

4. (c) Who can grant bail to an accused in a bailable offence and Non-Bailable offence? 5 Marks

5. (a) What is the difference between Section 161 and Section 164 of the Code of Criminal Procedure, 1973 and which authorities can record these statements? 5 Marks

5. (b) Under Section 313 of the Code of Criminal Procedure, 1973, the Court has power to examine the accused. What is the object of this Section. 5 Marks

5. (c) As per the Code of Criminal Procedure, 1973 in every inquiry or trial, the proceedings shall be continued from day-to-day until all witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded. Under what circumstances, the Court can postpone or adjourn the inquiry or trial and subject to what terms? 10 Marks

6. (a) Chapter VI of the Indian Evidence Act, 1872 deals with "The Exclusion of Oral by Documentary Evidence." Section 91 of this Act is regarding "Evidence of Terms of Contracts, Grants and other Dispositions of Property reduced to form of document", whereas Section 92 of this Act state about "Exclusion of Evidence of Oral Agreement". Elaborate the above provisions. 15 Marks

6. (b) "Facts admitted need not be proved". Write in brief about this provision of the Indian Evidence Act, 1872. 5 Marks

7. (a) As per the Code of Criminal Procedure, 1973, any statement made to the police is not to be signed by the person making such statements, then how that statement can be used in evidence? 5 Marks

7. (b) Chapter X of the Indian Evidence Act, 1872 deals with the examination of the witnesses. Write in brief what is: (i) Examination-in-Chief. (ii) Cross Examination. (iii) Re-examination. 5 Marks

7. (c) Write in brief about "Defamation" as per the Indian Penal Code, 1860 and quantum of punishment which can be awarded for defamation. 10 Marks

Part B: answer any four questions out of the five questions in Part B. All parts of the question must be answered.

8. (a) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been enacted to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. Write short notes on following as per provisions of the above Act.

(i) What is sexual harassment as per this Act? 10 Marks

(ii) In what manner the inquiry into the complaint of an aggrieved woman would be conducted under this Act? 5 Marks

(iii) For determination of compensation to be paid to the aggrieved woman under this Act, what factors should be taken into consideration by the Committee? 5 Marks

9. (a) Write in brief about constitution of a Juvenile Justice Board and its powers, functions and responsibilities, as per The Juvenile Justice (Care and Protection of Children) Act, 2015. 10 Marks

9. (b) What are the grounds for grant or refusal of bail under the Juvenile Justice (Care and Protection of Children) Act, 2015? 10 Marks

10. (a) Section 139 of the Negotiable Instrument Act, 1881 provide for "presumption in favour of holder". Elaborate it. 10 Marks

10. (b) "Defence which may not be allowed in any prosecution under Section 138 of the Negotiable Instrument Act, 1881." Write short note on it. 5 Marks

10. (c) Can a Company commit an offence under Section 138 of the Negotiable Instrument Act, 1881. If yes, then against whom prosecution can be initiated? 5 Marks

11. The marriage between the parties took place in the year 1999. Two children were born from the marriage. The wife alleged cruelty and demands of dowry by the husband and his parents. In order to save their matrimonial relationship, the parties shifted from the house owned by the brother of the husband, where the parties were residing immediately after their marriage to a rental accommodation. Despite moving to the rented accommodation where the parties stayed separately from husband's family, the alleged mistreatment to wife continued.

The wife claimed that her husband deliberately removed them from their matrimonial home, i.e., the

house of husband's brother. The husband filed divorce petition in 2014.
The wife, in response filed an application under Section 17 and 19 read with Section 26 of the Protection of Women from Domestic Violence Act, 2005, claiming a right of residence in the property of husband's brother.
Can the wife claim "Right to Residence in the property of husband's brother? Decide keeping in view the above legal provision. 20 Marks

12. (a) Chapter XIII of the Negotiable Instruments Act, 1881 has laid down 'Special Rules of Evidence'. Section 118 of this Act deal with "Presumptions as to negotiable instruments". Elaborate this provision. 10 Marks

12. (b) Section 20 of the Protection of Women from Domestic Violence Act, 2005 provide for "Monetary Reliefs". Write in brief about such monetary reliefs. 10 Marks