Goa Civil Judge (Mains) 2019

Paper II · Criminal Law · compulsory paper

High Court of Bombay at Goa · 8 December 2019 · 3 hours · 100 marks

Instructions: All questions are compulsory. Question No.1 carry 20 marks. All other questions carry equal marks i.e. 16 marks each. Your answers must be to the point, wherever possible quote the specific provisions of law. Do not reproduce any question. Write only question's number against the answer. Number of optional question up to the prescribed number in the order in which questions have been solved, will only be assessed and excess answers of the question/s will not be assessed. Other than cited cases, candidate should not write roll number, any names (including his/her own), signature, address or any indication of his/her identity anywhere inside the answer book otherwise he/she will be penalised.

Q.1. Write a judgment on the following facts: Marks: 20. (i) Adhere to the contents of Judgment as required under the Code of Criminal Procedure. (ii) Frame and answer the points for determination properly. (iii) Give legal, logical and proper reasons for your findings. (iv) Conclude the judgment with a proper order.

1. The informant Neeta's marriage was solemnized with Somesh on 01.01.2018. Six months after the marriage her husband along with her in-laws started harassing her on account of demand of dowry. They used to abuse her on this count. On many occasions her mother-in-law did not use to provide her meal. On three to four occasions she was kept locked inside the room throughout the day. She had complained about such ill-treatments to her father on phone. On 02.10.2018 in the morning her husband beat her with the stick in the presence and on instigation of her in-laws. They drove her out of matrimonial home. She went to her parents house. Narrated all instances of cruelty to them. She then went to the Police station and lodged report against her husband and her mother-in-law and father-in-law. Police referred her to medical examination. Investigating Officer recorded statements of Neeta, her parents and the neighbours of her matrimonial home and on completion of investigation filed a charge-sheet against the accused. Prosecution examined Neeta, her parents, two neighbours, Doctor and Investigating Officer. The neighbours did not support the prosecution. The defence of the accused is total denial and false implication in the case.

Q.2. Write notes on any two of the followings (8 marks each).

2(a). Trial of summons cases by Magistrates.

2(b). Compounding of offences and withdrawal from prosecution.

2(c). Primary Evidence and Secondary Evidence.

2(d). Prerequisites for applicability of sec 138 of the Negotiable Instruments Act and the requirements for taking cognizance of offence punishable under Section 138 of the Negotiable Instruments Act.

Q.3. Write short notes on any four of the followings (4 marks each).

3(a). Custody and disposal of property in pending trial and at the conclusion of trial.

3(b). Irregularities which vitiate proceedings under the Code of Criminal Procedure.

3(c). Wrongful restrain and wrongful confinement.

3(d). Criminal liability of an act of a child above 7 years and under 12 years of age, of immature understanding and acts of a person of unsound mind.

3(e). Holder and holder in due course of negotiable instrument.

3(f). Relevancy of facts forming part of same transaction and when facts not otherwise relevant become relevant.

Q.4. Discuss any two of the followings (8 marks each).

4(a). Tender of pardon.

4(b). Criminal force and assault.

4(c). Cheating and mischief.

4(d). Proof of execution of document required by law to be attested, proof where no attesting witness found and proof when attesting witness denies the execution.

Q.5. Write short note on any two of the followings (8 marks each).

5(a). Cognizance of offences by Magistrate and procedure in cases which Magistrate cannot dispose of criminal proceedings.

5(b). Procedure to be followed by Magistrate upon receipt of a complaint.

5(c). Relevancy of character as per the Indian Evidence Act.

5(d). Rights of victims and witnesses under the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act 1989.

Q.6. Write an essay on any one of the following topics (Approx 800 words). Marks 16.

6(a). Appreciation of retracted confession and confession of co-accused in a criminal trial.

6(b). Victims right and role of court towards victim under the Criminal Justice System.

6(c). Protection, reliefs provided to the aggrieved person under the Protection of Women from Domestic Violence Act, 2005.