Goa Civil Judge (Mains) 2020

Paper II · Criminal Law · compulsory paper

High Court of Bombay at Goa · 2020 recruitment · held 3 September 2023 · 3 hours · 100 marks

Instructions: All questions are compulsory. Question No.1 carries 20 marks. All other questions carry 16 marks each. Your answers must be to the point and wherever possible, quote specific provisions of law. Do not reproduce any question. Write only question's number against the answer. Number of optional questions upto the prescribed number in the order in which the 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 name(s) (including his/her own), signature, initials, address or any indication of his/her identity anywhere inside the answer book, otherwise he/she would be disqualified.

Q.1. Draft a judgment on the following facts. Marks: 20. (i) Adhere to the contents of the judgment, as required under the Code of Criminal Procedure, 1973. (ii) Frame proper points and answer them. (iii) Give legal, logical and proper reasons for your findings. (iv) Conclude the judgment with a proper order.

1. Facts: It is the case of the complainant that the accused who is known to him was in need of financial assistance. Hence, he extended a friendly hand-loan of Rs.4,00,000/-, without any interest and the accused assured to repay the same shortly. Accused issued a cheque of Rs.4,00,000/-, which upon presentation was dishonoured. Complainant issued the statutory demand notice, calling upon the accused to pay the amount of dishonoured cheque within 15 days from the receipt of notice. The accused replied by stating that the complainant engages in illegal money lending and that he had obtained a loan of Rs.80,000/- which was repaid with interest of Rs.3,20,000/- and nothing was due to the complainant. Complainant had assaulted and threatened him and had obtained blank signed cheques as well as blank signed stamp papers and those were misused to implicate him. Accused had filed a criminal complaint against the complainant for the same but the complainant was acquitted. Accused alleged that he owed no amount to the complainant and his blank signed cheque was misused.

Q.2. Write short notes on any two of the following (08 marks each).

2(a). Admission and confession.

2(b). Trial of person of unsound mind.

2(c). Double jeopardy.

2(d). Presumptions as to negotiable instruments.

Q.3. Discuss any four of the following (04 marks each).

3(a). Summary trial procedure.

3(b). Any six rights of victims under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3(c). Default bail.

3(d). Alteration of a negotiable instrument.

3(e). Secondary evidence.

3(f). Common intention.

3(g). Duties of Public servants under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3(h). Information as to non-cognisable cases and its investigation.

Q.4. Answer any two of the following (08 marks each).

4(a). Trial by Magistrate of warrant cases instituted on police report.

4(b). Explain proof of electronic evidence.

4(c). Offence of 'Robbery' and 'Dacoity'.

4(d). What are the provisions as to arrest and remand?

Q.5. Write short notes on any four of the following (04 marks each).

5(a). Right of private defence.

5(b). Recovery of fine and compensation.

5(c). Offence of Defamation and exceptions to it.

5(d). Offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and grant of anticipatory bail.

5(e). Proclamation.

5(f). Any six facts of which Court shall take judicial notice.

5(g). Proof of documents requiring attestation.

5(h). 'Public servant' as per the Indian Penal Code.

Q.6. Write an essay of approximately 800 words on any one of the following (16 marks).

6(a). Plea bargaining- pros and cons.

6(b). Right to privacy and its implications.

6(c). Victim's role in criminal justice system.

6(d). Social justice and means to achieve it.