Goa Civil Judge (Mains) 2023

Paper II · Criminal Law · compulsory paper

22nd September, 2024 · Time : 03 Hours · Total marks: 100

Instructions

1. All questions are compulsory. Figures to the right indicate marks.

2. Do not reproduce any question. Number of optional questions up to 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.

3. Other than cited cases, candidates 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 [Marks: 20]

Write a judgment on the following facts by assuming that the necessary documents have been produced.

It is the case of the complainant that he knows the accused and they are distant relatives. The accused borrowed a sum of ₹2,00,000/- from the complainant for his personal needs. Towards repayment of such borrowed amount, the accused issued two cheques in favour of the complainant dated 04/06/2014 amounting to ₹1,00,000/- each, drawn on Corporation Bank, Loliem branch Cancona. The complainant presented both cheques for encashment on 15/07/2014. However, the cheques were returned with the endorsement "Account closed". This memorandum was received by the complainant on 15/07/2014. A statutory demand notice dated 16/07/2014 was addressed to the accused through registered post demanding the amount of ₹2,00,000/-.

Notice was served on the accused on 18.07.2014. The accused failed to comply with the demand. However the accused replied to the said notice denying the liability and raised defence of illegal money lending. Accordingly, a complaint was lodged.

The complainant stepped into the witness box and produced both the cheques, cheque return memos, legal notice as well as reply received from the accused. One witness was examined by the complainant being the Branch Manager of Corporation Bank wherein the accused was having Savings Bank Account. In his examination under Section 313 of CrPC., the accused admitted relationship with the complainant and also the fact that he had borrowed the sum of ₹2,00,000/- from the complainant but claimed it to be an illegal money lending transaction. The accused furnished names of persons to whom the complainant had lent money in similar fashion. The accused did not step into the witness box nor led any evidence.

Q.2 [Marks: 16]

Write short notes on any two of the following

A. Provisions in Code of Criminal Procedure, 1973 as to accused persons of unsound mind.

B. Relevancy and conclusiveness of judgments as per the Evidence Act, 1872.

C. Grant of anticipatory bail in offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Q.3 [Marks: 16]

Discuss any four of the following-

A. Presumptions as to offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

B. Interim compensation as per the Negotiable Instruments Act, 1881.

C. Procedure as per the Code of Criminal Procedure 1973, when corporation or registered society is an accused.

D. Acts against which there is no right of private defence.

E. Rules as to 'notice to produce' as per the Indian Evidence Act, 1872.

F. Summary procedure for trial for giving false evidence.

G. Impeaching credit of witness.

H. 'Further investigation' into an offence.

Q.4 [Marks: 16]

Answer any two of the following

A. What is 'Defamation' and what are exceptions to it as per the Indian Penal code, 1860.

B. Relevancy of 'character' as per the Indian Evidence Act, 1872.

C. Plea bargaining in Indian scenario.

D. Culpable homicide is genus and murder its specie. Explain

Q.5 [Marks: 16]

Write short notes on any four of the following

A. Withdrawal from Prosecution, as per the Code of Criminal Procedure, 1973.

B. Opinion of expert.

C. Assault and battery.

D. Robbery and dacoity.

E. When does the right of private defence of property extend to causing death.

F. Contour of re-examination of a witness.

G. Limitation for taking cognisance of offences.

H. Irregularities which vitiate the proceedings under the Code of Criminal Procedure.

Q.6 [Marks: 16]

Write an essay of approximately 800 words on any one of the following topics:

A. Means to arrest offences against women.

B. Role of advocates in alternate dispute resolution.

C. Rule of law.

D. Rights of accused vis-a-vis modern scientific techniques of investigation like DNA analysis, narco analysis, brain mapping and lie detector.