Gujarat Civil Judge (Mains) 2011

PAPER - II (CRIMINAL) · compulsory paper

16th October, 2011, Sunday · 2.30 P.M. to 5.30 P.M. · Total Marks: 100

Notes:

Answer to Short Note should not exceed 250 words.

Carefully read the instructions given on first page of Answer Book.

1. What are the provisions made under Section 125 of the Code of Criminal Procedure for maintenance of wives, children and parents ? [10 marks]

OR

Write short notes on the following:

(a) Alteration in allowance of monthly maintenance fixed under Section 125 of the Code of Criminal Procedure.

(b) Enforcement of Order of maintenance under Section 128 of the Code of Criminal Procedure.

2. Write a note on powers of a Magistrate to grant bail under the Code of Criminal Procedure. [10 marks]

OR

Write short notes on the following :

(a) Power of Magistrate in granting police remand.

(b) Provisions made under Section 156 of the Code of Criminal Procedure regarding Police Officer's power to investigate cognizable offence.

3. Write short notes on any two of the following [10 marks]

(a) Offence of causing death by negligence.

(b) Difference between simple hurt and grievous hurt.

(c) Abetment of an offence.

(d) Difference between criminal breach of trust and dishonest misappropriation of property.

4. Write a note on right of private defence. [10 marks]

OR

Difference between common intention and common object.

5. Write a note on presumption under the Evidence Act. [10 marks]

OR

Write a note on confessional statement by the accused.

6. Write notes on any two of the following with reference to the Indian Evidence Act: [10 marks]

(a) Facts which need not be proved

(b) Expert's opinion

(c) Primary and Secondary evidence

7. Write short notes on any two of the following with reference to the Protection of Women from Domestic Violence Act : [10 marks]

(a) Powers of the Magistrate to give monetary relief.

(b) Powers of the Magistrate to pass custody orders.

(c) Duties and functions of the Protection Officers.

(d) Penalty for breach of protection order.

8. Write short notes on any two of the following : [10 marks]

(a) Power of the Court to release certain offenders on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958.

(b) Bail of juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

(c) When can the Metropolitan Magistrate or a Judicial Magistrate of the First Class take congizance of offence under Section 28 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 ?

(d) "Brothel", its definition and penal provision under the Immoral Traffic (Prevention) Act.

(e) "Gambling", its definition and penal provision under the Gujarat Prevention of Gambling Act.

9. State whether the following statements are true or false : [20 marks]

1. Under Section 50-A of the Code of Criminal Procedure, it is optional for the police officer to inform arrested-person of his right.

2. Under Section 53-A of the Code of Criminal Procedure, Court can use force as is reasonably necessary for examination of person arrested of charge of rape.

3. Presiding Officer has the right to ask only relevant questions to the witnesses under Section 165 of the Evidence Act.

4. In the event of more than one dying declarations of the deceased, none can be admitted in the evidence during the Court process.

5. Legitimate or illegitimate daughter can ask for maintenance from father even after she becomes major, if she is unable to maintain due to injury.

6. When application for anticipatory bail is made, existence of complaint is a must.

7. Discovery of article at the instance of accused under Section 27 of the Evidence Act is not an incriminating circumstance.

8. Communication of a client to the lawyer is a privileged communication under all circumstances.

9. Punishments prescribed under Section 53 of the Indian Penal Code are:
(i) death
(ii) imprisonment for life
(iii) Imprisonment, rigorous and simple
(iv) forfeiture of property
(v) fine

10. Under Section 65-A of the Indian Evidence Act, the contents of electronic records may be proved in accordance with the provisions of Section 65-B of the said Act.

De Facto IAS