Gujarat Civil Judge (Mains) 2016

PAPER – I (CRIMINAL) · compulsory paper

19.03.2017 · 2½ Hours · 75 Marks

Note

(1) Answer to each question must be written in separate answer sheet.

(2) Answer to Short Note should not exceed 250 Words.

(3) If more questions are attended than required, the best combinations of the answers shall be taken into consideration.

Q.1 Answer the questions : (any two) **[10 marks]**

(1) Enumerate the provisions of the commencement of proceedings before the Magistrate.

(2) State what are the contents of the charge, the consequences of defect in framing of charge and when can charge be altered or amended.

(3) Explain the law relating to circumstantial evidence.

(4) What are the nature of reliefs which can be granted under the provisions of the Protection of Women from Domestic Violence Act?

Q.2 Explain in brief : (any two) **[10 marks]**

(1) “Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.” State the exceptions to this rule

(2) 'Oral evidence in all cases must be direct.' Explain this rule with illustrations and exceptions.

(3) Relevance of Motive and Intention in Criminal Law.

(4) Explain in brief the historical background of Probation Law in India.

Q.3 Discuss in detail : (any two) **[10 marks]**

(1) Maintenance of Wife, Children and Parents.

(2) Evidence has to be Weighed and not Counted.

(3) Powers of Magistrate under the Protection of Women from Domestic Violence Act.

(4) Prohibition of determination of sex of a foetus.

Q.4 Answer the questions : (any two) **[10 marks]**

(1) Difference between Theft and Extortion.

(2) Difference between Common Intention and Common Object.

(3) Difference between Simple Hurt and Grievous Hurt.

(4) Difference between Admission and Confession.

Q.5 Write Short Notes : (any two) **[10 marks]**

(1) Dowry Death.

(2) Right of Private Defence.

(3) Importance and Relevancy of Case Diary.

(4) Double Jeopardy.

Q.6 Write Short Notes : (any two) **[10 marks]**

(1) Juvenile Justice Board and its Powers.

(2) Liability of Company under Section 138 of the N. I. Act.

(3) Cognizance of Offences and jurisdiction of Court in the context of dishnour of cheque.

Q.7 State whether True or False : (any five) **[10 marks]**

(1) Offence punishable under Section 304-A of the IPC, causing death by rash or negligent act, is Non-bailable.

(2) Offence punishable under Section 352 of the IPC, assault or use of criminal force otherwise than on grave provocation, is Non cognizable.

(3) Offence punishable under Section 338 of the IPC, causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of the others, is compoundable.

(4) As held by the Apex Court in the case of Lalitakumari Vs. State of U.P., it is not mandatory for the PSO to register the FIR in cognizable offences.

(5) Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of case, has been clarified by the Supreme Court recently in the case of Anirudhh Vs. State of Gujarat.

(6) The decision in the case of Dashrath Rupsinh Rathod Vs. state of Maharastra is in reference of validity about of service of notice through e-mail in N.I. Act offences.

Q.8 Draw the Order granting or refusing Bail : **[5 marks]**

First Information Report being CR No. I 302/2017 for the offence punishable under Sections 406, 417, 420, 467, 468, 471, 477 and 114 of the IPC, is registered with Dediyapada Rural Police Station on 9.3.2017, against the applicant-accused Chimanbhai Vasava and five others. The applicant-accused Chimanbhai has been arrested by the Investing Officer on 17.3.2017 at 11.00 am and then produced before the Ld. Magistrate. Dediyapada on 18.3.2017 at 10.30 am. At the time of production, the accused himself made complaint against the Investigating Officer about ill-treatment. An application for bail has also been submitted by the accused Chimanbhai through Ld. Advocate Mr. Tamakuwala stating that there is no prima facie case, investigation qua the applicant is almost completed, he is the permanent resident of Dediyapada and he possesses immovable properties within the jurisdiction of the Court. Mr. Afinwala Assistant Public Prosecutor has strongly raised objections against the bail application submitting that the co accused persons are absconding, investigation is going on, muddamal articles are still to be recovered, alleged offences are serious in nature, there is possibility of tampering with the evidence and as the applicant-accused also possesses Passport, there are chances of fleeing from justice therefore, discretion should not be exercised in favour of the applicant- accused.