Gujarat Civil Judge (Mains) 2019 (May)

PAPER - I (CRIMINAL) · compulsory paper

Held 07.07.2019 · Time: 2½ Hours · Total Marks: 75

1. Answer the following questions in detail: (any four) **[24 marks]**

(1) Discuss the entire process to compel appearance of a person before the Criminal Court.

(2) What is the difference between relevancy of an evidence and admissibility of an evidence?

(3) Discuss the liability of a company for an offence punishable under Section 138 of the Negotiable Instruments Act.

(4) What is abetment of an offence? How can it be committed? Discuss the relevant legal provisions in this regard.

(5) Discuss the fundamental principles to be kept in mind while implementing the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Write short notes : (any four) **[24 marks]**

(1) Protection Order

(2) Bail of Juvenile

(3) Hurt and Grievous Hurt

(4) Admissibility of electronic record

(5) Victim Compensation Scheme

3. Write the answer in brief : **[12 marks]**

(1) What is to be presumed under Section 113 A of the Evidence Act?

(2) What orders can be passed by a Magistrate while dealing with an application under section 12 of the Protection of Women from Domestic Violence Act in favour of an aggrieved person?

(3) What are the disqualifications for being appointed as a member of a Juvenile Justice Board?

(4) For what the proceedings under Section 145 of the Code of Criminal Procedure, 1973 are meant? Who is empowered to conduct such proceedings?

4. State whether true or false: **[5 marks]**

(1) Cognizance of an offence punishable under the provisions of The Pre- conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 can be taken otherwise than upon a complaint made by the appropriate authority.

(2) The offences punishable under The Immoral Traffic (Prevention) Act, 1956 are not triable by the Court of Session.

(3) For an aggrieved person to get relief under The Protection of Women From Domestic Violence Act, 2005, she must be married to the respondent.

(4) The State Government constitutes one juvenile Justice Board for the State.

(5) An offence punishable under Section 312 of Indian Penal Code is compoundable.

5. Write a reasoned order either allowing or dismissing the application : **[10 marks]**

An FIR is registered against one Mr.Kanubhai Ramanbhai Parmar, who is working as Deputy Mamlatdar in one of the talukas of the State, for offences punishable under Sections 406, 409 and 420 of IPC, wherein it is alleged that Mr.Parmar while working as Deputy Mamlatdar, was assigned the work of disbursement of house hold kits to the labourers working on scarcity project. Mr.Parmar had procured the house hold kits to be given to the labourers but the same were actually not given to the labourers and that Mr.Parmar had also manipulated the official record to show that the kits were given to the labourers. Mr.Parmar was thus alleged to have committed offences as mentioned above. The police authorities carried out investigation into the offence and filed Charge Sheet against Mr.Parmar for the alleged offences. Mr.Parmar has filed an application under Section 239 of Cr.P.C. contending that the investigating agency has not obtained the sanction under Section 197 of Cr.P.C. before filing the Charge Sheet. That the statements of witnesses recorded by the investigating agency are not correct and that he has not misappropriated any Government material. That there are signatures of the witnesses on record for having received the house hold kits. It is submitted that the material placed by the investigating agency on record, is not sufficient for prosecuting the applicant for the alleged offences. Therefore, the application be allowed. The application is opposed on behalf of the State inter alia contending that the record clearly indicates that the applicant accused had procured the house hold kits to be given to the labourers but the same had not reached to the labourers. That the official records have also been manipulated to create an impression that the kits have been received by the beneficiary labourers. That the statements of the labourers recorded during the course of investigation also support the case of prosecution. Therefore, the application should be dismissed.