Gujarat Civil Judge (Mains) 2022

PAPER – I (CRIMINAL) · compulsory paper

31.07.2022 · 3 Hours · 100 Marks

Note

(1) Answers to questions may be given either in English or Gujarati, if not instructed otherwise.

(2) If more questions are attempted than required, the best combination of the answers shall be taken into consideration.

(3) Please answer the questions bearing in mind the weightage of marks allotted to the questions.

Q.1 Answer the following: (Any Five) **[25 marks]**

(1) Difference between cognizable offence and non-cognizable offence.

(2) Difference between Inquiry and Trial.

(3) Difference between common intention and common object.

(4) Offences by Companies under the Negotiable Instruments Act.

(5) Provision of bail as contained in Section 437 of Criminal Procedure Code.

(6) Difference between direct evidence and hearsay evidence.

(7) Powers of Court to release certain offenders on Probation of good conduct.

Q.2 Explain the following: **[15 marks]**

(1) Grievous Hurt.

OR Right of Private Defence.

(2) Summary Trials.

OR Charge.

(3) Kinds of punishment under Indian Penal Code

OR Cancellation of Bail.

Q.3 Discuss in detail: (Any Four) **[28 marks]**

(1) Admissibility of Electronic Records.

(2) Criminal Conspiracy.

(3) Presumptions as to Negotiable Instruments.

(4) Law on discharge of an accused.

(5) Orders that can be passed by Board regarding child found to be in conflict with law.

(6) Maintenance of wives, children and parents.

Q.4 Write an Essay in English only: (Any One) **[12 marks]**

(1) Rights of the Arrested Person.

(2) Victim Compensation.

Q.5 State whether the given statements are true or false: (Any Five) **[10 marks]**

(1) Section 82 of Indian Penal Code provides that nothing is an offence which is done by a child under fourteen years of age.

(2) As per Section 139 of Negotiable Instruments Act, it shall be presumed, unless the contrary is proved, that the holder of a cheque received the cheque of the nature referred to in section 138 for the discharge, in whole or in part, of any debt or other liability.

(3) Section 165 of The Indian Evidence Act provides for Judge's power to put questions or order production.

(4) Section 15(2) of Criminal Procedure Code provides that the Chief Judicial Magistrate may, from time to time, make rules or give special orders, consistent with the Code, as to the distribution of business among the Judicial Magistrates subordinate to him.

(5) As per the Information Technology Act, cyber cafe means any facility from where access to the internet is offered by qualified person in the designated business to the members of the public.

(6) As per the Protection of Women from Domestic Violence Act, 'aggrieved person' means only married woman who alleges to have been subjected to any act of domestic violence by the respondent.

Q.6 Draw an Order granting or refusing a bail on an application filed by the applicant - accused. **[10 marks]**

FIR being CR III No. 315/2018 came to be registered against the applicant - accused and co-accused for offence under Sections 66(1) (b), 85, 84, 68, 65(a)(e), 116(b) and 81 of the Gujarat Prohibition Act. Investigation is pending. FIR briefly alleges that the accused including the applicant - accused at the mentioned date, time and place were caught drinking liquor and smoking hukka during raid at a party along with muddamal of foreign liquor bottles, beer bottles, mobile phones, articles of party and a car and thereby committed the offence under the aforementioned sections of the Prohibition Act.

It is argued on the side of applicant - accused that no offence as alleged in the FIR is made out for the offence under sections 65(a), 65(e), 68, 84 and 85 of the Prohibition Act. It is argued that co-accused are released on regular bail.

It is argued on behalf of the prosecution that the investigation is pending. The case of the applicant-accused cannot be compared with the case of co-accused as the co- accused did not have any antecedents whereas the applicant - accused has antecedent of this nature and is on bail in connection with the conviction mainly u/s 304(Part - 2) of Indian Penal Code against which Criminal Appeal is pending. It is further argued on the side of prosecution that it is found from FSL Report that blood sample of the applicant is tested positive with alcohol content.