Gujarat Civil Judge (Mains) 2023

PAPER – I (CRIMINAL) · compulsory paper

16.07.2023 · 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 Explain the following: (Any Five) **[25 marks]**

(1) Difference between riot and affray.

(2) Power to direct interim compensation under section 143A of the Negotiable Instruments Act.

(3) Cognizance of offence as per Section 142 of the Negotiable Instruments Act.

(4) Alteration in allowance as per Section 127 of the Code of Criminal Procedure.

(5) Bail to a person who is apparently a child alleged to be in conflict with law.

(6) Test Identification Parade.

(7) Joinder of Charge.

Q.2 Explain the following (Any Three): **[15 marks]**

(1) Power of Court to release certain offenders on probation of good conduct.

(2) Protection Orders that can be passed by a Magistrate as per Section 18 of the Protection of Women from Domestic Violence Act.

(3) FIR and effect of delay in lodging FIR.

(4) Powers, functions and responsibilities of the Juvenile Justice Board.

(5) Difference between theft and extortion.

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

(1) Difference between confession and admission.

(2) Dying declaration.

(3) Electronic evidence.

(4) Plea bargaining.

(5) Expert Evidence.

(6) Recording of statement of a child by Magistrate as per provision in The Protection of Children from Sexual Offences Act.

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

(1) Role of Forensic Sciences in Criminal Prosecution.

(2) Witness protection, a need of the hour.

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

(1) Section 66 of the Gujarat Prohibition Act provides that whoever in contravention of the provisions of the Act or of any rule, regulation or order made or of any licence, permit, pass or authorization issued thereunder shall, on conviction, be punished for a third or subsequent offences, with imprisonment for a term which may may extend to two years and with fine which may extent to two thousand rupees.

(2) As per Section 138 of Negotiable Instruments Act, the maximum punishment of imprisonment that can be awarded is three years.

(3) As per the definition in the Gujarat Prohibition Act, 'Laththa' means spurious liquor, which contains methanol or any other poisonous substances, which may cause harmful or injurious effects to the human body or death of a person.

(4) Section 97 of the Indian Penal Code gives the right of private defence to every person qua his own body and property only.

(5) As per the Protection of Children from Sexual Offences Act, 'child' means only a female below the age of eighteen years.

(6) Section 80 of the Code of Criminal Procedure provides for publishing Proclamation for person absconding.

Q.6 Draw an Order granting or refusing the application filed by the applicants number 1 to 3 as per below details. **[15 marks]**

Mr. Denishbhai was working as an Assistant Dying Master with Aakash Dying and Printing Mills Pvt. Ltd(hereafter referred to as the Company), Ahmedabad. In the year 1998, Applicant number 1 was posted as Assistant Commissioner of Central Excise, Ahmedabad, whereas the Applicant number- 2 and Applicant number – 3 were posted and working as Inspector with the Excise Department, Ahmedabad. On the basis of intelligence input received as regards large scale evasion of Central Excise Duty by the Company, applicant number 1 being Assistant Commissioner, raided the premises for preventing checks. The applicant number - 1 along with the applicant numbers 2 and 3 visited the place of the Company and carried out extensive search in the presence of two independent panch witnesses. The Directors of the Company and other employees including Mr. Denishbhai were present at the place of Company. During the search, incriminating materials were found and seized. During the raid, Mr. Denishbhai alleged that he was assaulted by the applicant number - 1 so as to pressurize him to confess certain things. He complained of acute stomach pain and was taken to hospital where he refused to take further medical treatment and nothing was stated against the applicants number 1 to 3 in the form of history before the Doctor. On the next day of raid, Mr. Denishbhai filed FIR being CR I No. 1077/1998 against the applicants number 1 to 3 for the offences punishable under Sections 342, 330, 323, 506(1) and 114 of the Indian Penal Code. On the same day, applicant number 1 also lodged FIR against Mr. Denishbhai and others inter alia alleging that Mr. Denishbhai and others obstructed the raid proceedings and tried to take away the seized incriminating material. After completion of investigation, police found that there was no substance so far as offences punishable under Sections 342, 330, 323, 506(1) and 114 of the Indian Penal Code were concerned. However, the police came to a conclusion that the applicants number 1 to 3 had committed an act of 'intentional insult with intent to provoke breach of peace' punishable under section 504 of the Indian Penal Code. Chargesheet was accordingly filed. Ld.

Magistrate after hearing Mr. Denishbhai accepted the Report submitted by police and took cognizance of the offence under Section 504 of the Indian Penal Code and issued process against the applicants number 1 to 3.

Applicants number 1 to 3 being aggrieved by the Order of issuance of process, preferred an application under Section 197 of the Code of Criminal Procedure.

De Facto IAS