Gujarat Civil Judge (Mains) 2025

PAPER – I (CRIMINAL) · compulsory paper

CJ-2024-25 · Total Marks: 100 · Date: 12/10/2025 · Duration: 3 Hours

Note

(1) Answer to the questions may be given either in English or Gujarati.

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

Q.1 Answer the following (Any 5):- **[25 marks]**

1. Define and distinguish between Theft, Extortion, Robbery and Dacoity.

2. Discuss the evidentiary value of the statement recorded by the police under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. Discuss the powers to summon/recall a witness under Section 311 of the Code of Criminal Procedure, 1973 with the case laws.

4. What constitutes the offence of "Criminal Conspiracy" under the Indian Penal Code, 1860? Explain the ingredients of criminal conspiracy with illustrations.

5. Are the offences under Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Cognizable? Which Courts are competent to try such offences? And when can the Judicial Magistrate First Class take cognizance of offence under Section 28 of the Act?

6. Elucidate the principles relating to the evidentiary value of the hostile witness with case laws.

7. Discuss regarding the liability of the director of a company under Section 138 of the Negotiable Instruments Act, 1881. What are the defences available to the director in criminal prosecution against him under the above provision?

Q.2 Answer the following (Any 4):- **[28 marks]**

1. Define "Abetment" under the Indian Penal Code, 1860. Discuss the essentials of abetment with suitable examples.

2. Explain the difference between Section 299 and Section 300 of the Indian Penal Code, 1860 with regard to the concept of culpable homicide and murder.

3. Discuss the provisions relating to tender of pardon to accomplice.

4. What is confession? Discuss the various provisions relating to confession. Under what circumstances, a confession is admissible and what is its evidentiary value?

5. What is plea bargaining? Briefly describe its procedure. Whether it applies to all types of offences?

6. Explain the provision of Section 41A of the Code of Criminal Procedure, 1973.

Q.3 Write short notes (Any 5):- **[15 marks]**

1. Doctrine of Estoppel

2. Withdrawal from prosecution.

3. Anticipatory bail.

4. Victim compensation.

5. 'Shared household' under the Protection of Women from Domestic Violence Act, 2005?

6. Holder in due course.

7. Doctrine of Res Gestae.

Q.4 State whether True or False:- **[7 marks]**

1. Section 320 of the Code of Criminal Procedure, 1973 deals with withdrawal of Prosecution.

2. Section 34 of IPC does not create any joint liability.

3. Offence punishable under Section 304A of the Indian Penal Code, causing death by rash or negligent act, is Non-bailable.

4. An illegitimate minor child can claim maintenance under Section 125 of the Code of Criminal Procedure, 1973.

5. Testimony of an accomplice can safely be acted upon without corroboration.

6. The proof of insanity lies on the accused.

7. Ignorance of law is a defence to avoid legal liability or punishment.

Q.5 Attempt the following (Any 3):- **[15 marks]**

1. Discuss the provisions relating to the right of private defence.

2. Explain the difference between 'Kidnapping from lawful guardianship' and 'Abduction'?

3. What precautions should a Magistrate take while recording the statement of a child victim under section 164 of the Code of Criminal Procedure, 1973 in a case under the Protection of Children from Sexual Offences (POCSO) Act, 2012?

4. Discuss the offence of "Criminal Breach of Trust" under the Bharatiya Nyay Sanhita, 2023. Explain the essential ingredients of Criminal Breach of Trust with case law.

5. Explain the legal safeguards provided under "The Immoral Traffic (Prevention) Act, 1956" for the rescue and immediate protection of persons forced into prostitution. What are the key steps outlined in the Act for their rescue and rehabilitation?

Q.6 Considering the given set of facts, draw an order below the said application filed under Section 97 of the Code of Criminal Procedure, 1973. **[10 marks]**

1. 'A', the legally wedded wife of 'B' for the last 10 years, was living with him in a joint family, and from the said wedlock, two children, namely 'C', aged 7 years, and 'D', aged 5 years, were born.

2. She filed an application under Section 97 of the Code of Criminal Procedure, 1973, before the Judicial Magistrate, contending that her husband used to torture her and subjected her to cruelty, and 6 months before preferring the present application, she was driven out from the matrimonial home, and custody of the children was snatched away by her husband 'B'. She also alleged in her application that, thereafter, she made several requests to 'B' and his family members to hand over the custody of the children, as they are not able to take good care of them and as child 'D' is just 5 years old and he needs special care from his mother, and 'B' is not taking care of the children, and also alleged that 'B' and his family members did not allow her to meet her children. She thus, by the present application, prayed for issuing the production warrants for producing the children before the Court and for handing them over to her custody.

3. On receiving the notice of the said application, 'B' appeared before the Court and resisted the claim of the applicant, contending that the applicant, for reasons best known to her, left her matrimonial home, leaving the children in the custody of the opponent about 6 months prior to the presentation of the application in the Court.

4. The learned advocate for the applicant, in his arguments, submitted that the applicant is the legal custodian of the children, and as the children are under the age of 10 years, they need special care of their mother, and the custody of the children with 'B' is illegal. Therefore, considering the nature of the application and the reasons stated therein, he prayed to allow the application.

5. The learned advocate for the opponent objected to the contention of the applicant and submitted that the opponent is the father of the children and, as the applicant left the matrimonial house without sufficient reason and the children do not want to live with the applicant, the application filed by her is not tenable and hence, prayed for the rejection of the said application with costs. He further raised the issue of the maintainability of the application, contending that the custody of the children by the opponent is not illegal, as he is the natural guardian of the children.

De Facto IAS