# Haryana Civil Judge (Mains) 2010

## Criminal Law · compulsory paper

1. (a) Examine whether a person who causes the death of a pregnant woman is guilty of committing one homicide or two.

(b) "Whereas in criminal conspiracy an agreement between two or more persons is needed, in abetment by conspiracy an agreement between them is enough." Examine.

(c) In order to pick the pocket of B, A inserted his hand into the pocket of B, which touched the trigger of a loaded pistol kept in B's pocket. The pistol went off, killing B. Discuss the criminal liability of A.

(d) A, a police officer, made a false entry in the special diary relating to a case which was being investigated by him, but the document in which the alleged false entry was made was not one which was admissible in evidence. Can he, in the circumstances, be convicted for fabricating false evidence?

2. (a) "In all robbery, there is either theft or extortion." Explain.

(b) What offences have been committed in the following cases and by whom?

(i) A, with a guilty intention, abets a child or lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence and having the same intention as A. The act is not committed.
(ii) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause, Z's death, induces B to fire at the bush. B fires and kills Z.
(iii) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation.
(iv) A, intending to cause a theft to be committed, instigates B to believe that the property belongs to A. B takes the property out of Z's possession in good faith, believing it to be A's property.
(v) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe.
(vi) A instigates B to give false evidence. B, in consequence of the instigation, gives false evidence.

3. (a) The right of private defence is said to be a limited right. Explain the limitations of the right of private defence. A was under attack from B. A had ample opportunity to save himself by fleeing away but instead A defended himself and thereby caused harm to B. Is it a valid exercise of the right of private defence?

(b) Is a homosexual relation between two consenting adults an offence? Discuss.

(c) Explain the distinction between acquittal and discharge.

(d) Explain with illustration the following: (i) When can the Court alter or amend a charge? What is the consequence of a defect in the framing of a charge? (ii) What charge is to be framed if it is doubtful what offence has been made out?

4. (a) In what circumstances can a person be arrested without warrant? What measures and precautions are required to be taken while arresting a person, as directed by the Supreme Court?

(b) Can a person, on being examined by a police officer investigating a case, refuse to answer a question put to him by such police officer?

(c) Determine the place of trial in the following cases: (i) where an offence is a continuing one and continues to be committed in more local areas than one; (ii) A, while travelling in a train, is injured by B in the compartment somewhere between Lucknow and Moradabad, where B got down. On reaching Delhi, A broke his journey and lodged an FIR against B.

(d) Can bail granted under Section 167(2) of Cr.P.C. be cancelled by the Magistrate suo motu on presentation of the challan (report) under Section 173 Cr.P.C. against the accused?

5. (a) What are the essential conditions of a valid dying declaration? When is a dying declaration considered not admissible? Give illustration.

(b) What is expert opinion? Explain the evidentiary value of expert opinion.

(c) A witness is asked in cross-examination whether he was dismissed from service for dishonesty. He denies. Evidence is offered to show that he was dismissed for dishonesty. Is the evidence admissible?

(d) Can the following statements be used for corroborating a witness: (i) a statement in an FIR lodged by the witness about the commission of an offence, based on personal observation; (ii) a former statement of the witness before a Magistrate made during police investigation; (iii) a statement recorded as a dying declaration in a case where the deponent survives and is called as a witness in Court; (iv) a previous statement of an accomplice before a Magistrate after he has been granted pardon.

De Facto IAS