Haryana Civil Judge (Mains) 2013

Criminal Law · compulsory paper

Time allowed: 3 hours · Maximum marks: 200

Question 1

1. (a) The utility of a retracted confession hinges primarily on the judiciousness of the court. Respond with reasons to the statement by referring to the judicial approach towards retracted confessions.

1. (b) The judicial policy in relation to appreciating circumstantial evidence is but an exercise in logical precautions. Respond to the statement.

1. (c) Sarita works in a call centre where she has to work in odd hours. She reaches the office around 10.00p.m. every night and gets back home around 6.00 a.m. in the morning. Her office has arranged for transport service so that she and other employees like her can be safely picked up and dropped back. On 01.03.2012, she received a call at around 3.30 a.m. from her home that her mother is seriously ill. Through the transport service would have taken her back around 5.30 a.m., Sarita decided to leave at once and borrowed a two wheeler from a friend for the same purpose. On her way back on roads which were mostly lonely, She was confronted by a gang of drunk hooligans who beat her up severely and ravished her in their car and then threw her off on the road. Her colleagues spotted her when they were getting back from office in the company car around 5.50 a.m. They were horrified at the scene of a bleeding Sarita lying helplessly on the road. They picked her up and took to the hospital. Some of her colleagues suggested that Sarita must first go to the police but Sarita did not want register a complaint fearing a protracted legal proceedings which would put her to public humiliation. She mentioned the identity of one of the perpetrators as Rajesh who works in the office opposite to the call centre. In the hospital, Sarita breathed her last around 6.00 p.m. the same evening. Enraged at the whole event, couple of her friends informed the police of the incident pursuant to which Rajesh was apprehended and sent for trial.

(i) Under which provision of the Indian Evidence Act, the statements made by Sarita to her colleagues in the car may be relevant?
(ii) Under which provision of the Indian Evidence Act, the statements made by Sarita to her colleagues in the car will not be relevant?

Question 2

2. (a) 'Regulating the nature of interaction between the accused and the police authorities is at the crux of a developed criminal justice system.' Elaborate on the statement by referring to the guidelines laid down in the case of Joginder Kumar v. State of U.P., AIR1994 SC 1349.

2. (b) "The area covered by Article 20(3) of the constitution and Section 161(2) of the Criminal Procedure Code is substantially the same. So much so, terminological expansion apart, Section 161(2) is a parliamentary gloss on the constitutional clause." Respond to the statement made by the Supreme Court of India in Nandini Satpathy v. Dani (P.L.) and Another, AIR 1978 SC 1025 and comment on the limits on the power of the police to interrogate and on the meaning of the term 'accused'.

2. (c) Unlike the scheme in Plea Bargaining, the procedure for withdrawal from prosecution does not afford the 'victim' a participatory position. Critically analyse the statement.

Question 3

3. (a) Read the following fact-situations and answer the questions below after dissecting the element of 'crime', if any:-

(i) Cesare D' souza went to a pub on 2.2.2011 to celebrate his birthday. In course of the celebrations, his friends urged him to have a couple of drinks, which he declined. One of his friends, Remo who was heavily drunk, moved to the edge of the terrace where the party was taking place and told Cesare that if he did not drink, he would jump off the terrace. Cesare immediately took a glass of vodka in his hands and gulped it down. Remo joined the party once again and passed out in ten minutes. But Cesare drank throughout the night. By midnight, he was so drunk that he could barely drive. His friends dropped him at his residence which he shared with his judicially separated wife. Maria. That night, Cesare forced himself on Maria and had intercourse with her. Has Cesare committed any offence? Answer with sufficient reasons and cite case-law to support your analysis.

(ii) Dr.Erricson was a neuro-surgeon in India. Manoj, his patient was suffering from acute neurological disorders which rendered him immobile. Sometime later, Manoj developed severe rashes and wounds on his body due to constant confinement to the bed. Ericsson was deeply distributed by the pain of Manoj and told himself that putting an end to the life of his patient would be better than watching him struggle through so much pain. Thinking this, he removed the life support system around Manoj and stopped injecting the regular medicines to his body. Within five days. Manoj died. Is Dr.Erricson guilty of any crime under the IPC?

Question 4

4. (a) Garima Rathore was married to Randhir Rathore for five years. At the time of marriage both the families were aware that Garima had a borderline personality disorder, which was not insanity of any degree, but rendered her personality extremely sensitive. She was being treated for the same although except her ultra-sensitive nature, she was perfectly normal. One evening Garima was chatting with her friends over the phone when her mother-in-law shouted very loudly in a harsh voice and ordered her to report at the kitchen immediately. That night, her mother-inlaw also told Garima that she was no match to her son, Randhir. Garima was very upset and when she told the same to Randhir, he told her that she should not spend a lot of time chatting over the phone. The next day, Randhir's mother told Garima to go back to her house as she found her unbearable. She spoke ill of her parents and even told Garima that her parents have gifted their ancestral home in Jaipur to Randhir. Unable to tolerate this, Garima went to her room and consumed some poison. Currently, she is battling for her life in the ICU of a reputed hospital. Are Randhir and his mother guilty of any offence under the IPC? Substantiate your answer with adequate reason(s).

4. (b) One fine morning, three friends, Ranjan, Dheer and Anand sat down to discuss their future. They were all unemployed and thinking of different ways to earn their livelihood. At this juncture, Dheer told in jest hat they should rob a bank. Instantly, Ranjan and Anand agreed, thinking that he was serious. Although Dheer was a bit shocked, he realised with the help of his friends, he could make a lot of money. So, over the next one week, they planned to rob the nearby bank. They brought masks and arranged sacks and were about to order weapons. In the meantime. A neighbour got to know of their plan and informed the police of the same. The three friends were arrested. Have Ranjan, Dheer and Anand committed any offence? Support your answer with reasons.

Question 5

5. (a) In a certain industrial establishment rendering essential services. A worker met with an accident as a result of which he suffered partial disablement. The authorities declined to pay him full compensation for the loss suffered by him. The concerned trade union took up the cause of the worker and Raghavan. The trade union leader urged all workers to go on strike. While the strike was in progress. Few workers decided to pelt the concerned officers. Around 20 workers along with Raghavan were arrested for injuring an executive officer and damaging several cars during the pelting process. Raghavan insisted that although he was participating in the strike, he had nothing to do with the pelting. It was later on found that the strike itself was illegal as the general requirements of giving notice,etc. Were not adhered to. Can the 20 arrested workers along with Raghavan be said to be guilty of Criminal Conspiracy? Substantiate your answer with sufficient reasons and case-laws.

5. (b) The Criminal Law (Amendment Act), 2013 has substantially changed the law in relation to sexual offences in India. Point out the amendments effected by the Act and show how the earlier provisions in relation to Rape were inadequate?

5. (c) Write short notes on any three of the following:-

(i) Difference between Knowledge, Intention and Motive.
(ii) Inchoate Offences.
(iii) Difference between wrongful restraint and wrongful confinement.
(iv) Non-compos mentis.