Haryana Civil Judge (Mains) 2022

Criminal Law · compulsory paper

Q1. (a) Elaborate the powers of a Magistrate under S. 145 CrPC and the procedure prescribed.

(b) A police report forwarded to the Magistrate under S. 173(2) of the CrPC stated that a person Om Prakash has committed an offence. A protest petition was also filed referring to some statements recorded under S.161 CrPC whereby it was suggested that another person named Sanjiv is also involved in the crime. Magistrate took cognizance under S. 190 (1)(b) CrPC and issued process against both the persons. Sanjiv has challenged the order on the grounds that Magistrate should have followed the procedure under S. 200 CrPC before issuing process against him as he acted on the protest petition. Decide and give reasons.

(c) Write short notes on i) Victim and Criminal Justice System ii) Difference between statements recorded U/s 161 CrPC and recorded U/s 164 CrPC. iii) Parameters to be considered while granting anticipatory bail and regular bail. iv) Cancellation of bail.

Q2. (a) What are the principles to be followed by a Court while exercising its powers under Section 427 CrPC. as regards concurrent running of sentences?

(b) Under what circumstances can a charge once framed be altered and at what stage? Explain with relevant case law

(c) What are circumstances under which prosecution can be withdrawn? Explain with relevant case law

(d) What is the law governing summoning of a person to face trial as an additional accused?

Q3. (a) Write short notes on: i) Difference between Dacoity and Robbery ii) Limitations on exercise of right of Private Defence? iii) Difference between 'Hurt' and 'Grievous hurt' iv) Difference between 'Common intention' and 'Common object' v) What are the ingredients of an offence Under Section 295-A IPC?

(b) Discuss admissibility of multiple dying declarations under the Evidence Act with reference to case law

Q4. (a) What are the protection given to a public servant who is accused of committing an offence?

(b) Critically analyse the difference between 'Murder' and 'Culpable homicide' with the help of case law

(c) X while studying in undergraduate class became intimate with Y, while the latter was not much interested in the relationship and always informed X about her position. After they passed out from college, X met with Y who in the meantime had got engaged elsewhere and told her that she should not marry anyone else. This put Y in a very difficult position. She informed the same to her parents. Upon call by the parents of Y, X demanded a sum of Rs.2 lakh to be out of the scene for the marriage of Y. Even the family of X told him that if the said amount is not paid to their son, he can do anything. Y's father did not accept this and filed FIR with the police. Identify what type of crime is committed by X? Can it be said that the family of X is also guilty?

Q5. (a) Distinguish between admissions and confessions and also explain when confessions made to a police officer become admissible in evidence

(b) Write short notes on i) Facts which need not be proved. ii) 'May presume' and 'shall presume'. iii) Accomplice's evidence. iv) Burden of proof

(c) What is the role reserved for the doctrine of res ipsa loquitur in criminal law?

De Facto IAS