Himachal Pradesh Civil Judge (Mains) 2014

Paper III · Criminal Law · compulsory paper

Himachal Pradesh Judicial Services Main Examination 2014 · 3 hours · 200 marks

Question Nos. 1 and 2 are compulsory. Attempt three questions from the rest, selecting at least one question from each part. In all, five questions are to be attempted. Each question carries 40 marks. Write legibly quoting provisions of law and the relevant case laws. Each part of the question must be answered in sequence in the same continuation. Give reasons in support of your answer.

1.

(a)(i) A Intentionally causes Z's death, partly by illegally omitting to give Z food and partly by beating Z What offence, if any has been committed by A? Support your answer with the help of provisions of law and illustrations. (05)

(a)(ii) A. a man who has consumed too much liquor, takes a knife from his house and goes along the road shouting his intention to kill B, with whom he had quarrelled earlier, and kills C who tries to pacify him. What offence, if any. has been committed by A in this case. Support your answer with legal provisions and reasons. (05)

(b)(i) A. a surgeon, knowing that a particular operation is likely to cause the death of Z. who suffers under a painful complaint for 'Z's benefit, performs that operation on Z. Z dies in consequence. What offence, If any, has been committed by A. Give reasons and provisions of law in support of your answer. (05)

(b)(ii) A and Z agrees to fence with each other for amusement. In the course of such fencing, while playing fairly A hurts Z. Is A liable for any offence? Give reasons and relevant legal provisions in support of your answer.(05)

(c)(i) A, with the intention of causing Z to be convicted of a criminal conspiracy. writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the Police are likely to search. What offence, If any, has been committed by A? Give answer with the support of legal provisions and reasons. (05)

(c)(ii) a begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. What offence, if any, has been committed by A? Give reasons and provisions of law in support of your answer.(05)

(d)(i) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, the paper so signed may be converted into a valuable security. What offence, If any, has been committed by A? Support your answer with the help of law and reasons.(05)

(d)(ii) A finds the key of Z's house door, which Z has lost and commits house. Trespass by entering Z's house, having opened the door with that key. What offence, If any, has been committed by A? Give your answer with the help of legal provisions and reasons.(05)

2.

(a) (i) Under what circumstance the police can arrest any person without Warrant ? (05)

(a)(ii) Discuss briefly the provisions under Cr' P.C regarding Examination of a person accused of Rape by a Medical Practitioner.(05)

(b)(i) Under what circumstances a court can issue 'Proclamation' as well as "attachment of the property" of any person ? (05)

(b)(ii) Discuss the provisions with regard to issue of search warrant by a court under Cr.P.C. (05)

(c)(i) Discuss with the help of case law the right of wife to claim maintenance under section 125 Cr.P.C. Can husband also claim maintenance from earning wife under the Act? (05)

(c)(ii) What do you understand by 'Preventive Action of the Police'? Discuss the relevant provisions of Cr.P.C in the regard. (05)

(d)(i) what do you mean by 'First information Report' ? Describe its content and importance in a criminal case. Can an FIR be quashed? (05)

(d)(ii) What is 'Plea- Bargaining? Discuss its contents and application under Cr.P.C. (05)

Part A

3.

(a)(i) Explain and illustrate the meaning of the following terms as provided under the Himachal Pradesh Excise Act, 2011? (05) (a) "Beer", (b) "molasses".

(a)(ii) Discuss briefly the various Excise Authorities created under the H.P. Excise Act, 2011. Also discuss their powers and Jurisdiction. (05)

(b)(i) Discuss with the power to "enter and inspect' conferred upon an Excise Officer under Section 8 of the H.P. Excise Act, 2011 with regard to manufacturing or storage premises of liquor etc.(05)

(b)(ii) Discuss briefly the provisions of Section 26 of the H.P. Excise Act, 2011 which provide for prohibition of sale of liquor to a minor or his employment in liquor Vend or Bar etc.(05)

(c)(i) Under what circumstances, an Authority granting licences etc. can cancel or suspend the same? (05)

(c)(ii) Discuss the Procedure prescribed under Section 35 of the H.P. Excise Act, 2011, with regard to "surrender of licence" by the holder.(05)

(d)(i) Discuss the procedure of 'Payment of Compensation' by the Court to the victim in case of death or injury caused, under Section 42 of the H.P Excise Act, 2011.(05)

(d)(ii) Discuss the procedure of 'Appeal and Revision' as laid down under Section 68 and 69 of the H.P Excise Act, 2011.(05)

4.

(a) What grounds of defence are available to a person prosecuted under Section 138 of the Negotiable Instruments Act, 1881, with regard to dishonouring of Cheque for insufficiency of Funds? Refer to case law, if any. (10)

(b)(i) Explain and illustrate the terms "debt or liability' Refer to case law.(05)

(b)(ii) What is the punishment prescribed for the offence committed under Section 138 of the Negotiable instruments Act, 1881 ?(05)

(c) Discuss the provisions of Section 141 of the Negotiable Instrument Act, 1881 with regard to offence under Section 138, If committed by companies. What defences are available to any person/Director of the company under the law? Refer to case-law, if any.(10)

(d) Discuss the rules with regard to taking cognizance of the offence committed under Section 138 of the Negotiable Instruments Act, 1881. Which Court is competent to take cognizance of the offence? (10)

Part B

5.

(a) Explain and illustrate the following terms: (10) (i) Hunting (ii) Meat (iii) Land (iv) Trophy

(b) Comment upon the constitution of State Board for Wild Life. Also discuss its powers and duties as laid down under the Wild Life (Protection) Act, 1972.(10)

(c) Discuss the powers of the Chief Wild Life Warden to grant permission for hunting of Wild animals in certain cases or for special purposes under Section 11 and 12 of the Wild life (Protection) Act, 1972. (10)

(d) Who are the person who can reside or enter in the Sanctuary? What are their duties towards protection of Sanctuary while staying there? Discuss. (10)

6.

(a) Discuss the procedure for the recognition of zoos under the wild Life (protection) Act, 1972. Also state the provisions for Appeal against the order of non-recognition, suspension or cancellation of Recognition by the competent Authority. (10)

(b) Discuss briefly the constitution of National Tiger Conservation Authority. Also state its powers and functions.(10)

(c) Discuss the procedure laid down under the wildlife (Protection) Act, 1972, with regard to regulation of dealings in trophy and Animal Articles etc. (10)

(d) Which activities are prohibited in the area declared by the government as National Park.(10)

7.

(a) Explain and illustrate the following terms defined under the Indian Forest Act, 1927. (10) (i) Forest Produce (ii) River (iii) Tree (iv) Cattle

(b) What do you understand by “Protected Forests”? Which matters can be regulated by the government in “Protected Forests” (10)

(c)(i) Discuss the procedure for formation of village forests. (05)

(c)(ii) With which powers the State Government may invest the Forest officers under Section 72 of the Indian Forest Act, 1927? (05)

(d) Discuss briefly the provisions regarding “Power to try Forest Offences summarily” and “Power to Compound Forest offences under the Indian Forest Act, 1927. (10)

8.

(a)(i) Write a note on ‘Mensrea’. (05)

(a)(ii) Distinguish between ‘common object’ and ‘Common intention’. Refer to Case law. (05)

(b)(i) Distinguish between 'Abetment' and 'conspiracy' (05)

(b)(ii) Distinguish between 'Adultery' and 'Rape' (05)

(c)(i) Distinguish between 'unlawful Assembly' and 'Riots' (05)

(c)(ii) Differentiate between 'Simple Hurt' and 'Grievous hurts' (05)

(d)(i) Describe various stages of Commission of an offence. (05)

(d)(ii) Distinguish between 'theft', 'Extortion', 'Robbery' and 'Dacoity' (05)

De Facto IAS