# Himachal Pradesh Civil Judge (Mains) 2018

## Criminal Law · Paper III · compulsory paper

Time: 3 Hours. Maximum Marks: 200.

Attempt five questions in all.

Question Nos.1 & 2 of Part-A are compulsory. Attempt the remaining three questions from Part — B and Part — C selecting at least one question from each part.

Each question carries 40 marks. Marks are divided and indicated against each part of the question.

Write legibly quoting provision(s) of law and the relevant case law(s) in support of your answer. Give reasons in support of your answers also.

Each part of the question must be answered in sequence in the same continuation. If questions are attempted in excess of the prescribed number only questions attempted first up to the prescribed number shall be valued and the remaining answers will be ignored.

### Part A

Q1.

(a) (i) Where A sees a person preparing for a crime and does not inform the authorities, is he liable for any offence under the IPC. Elaborate with the help of decided cases. [05 Marks]

(a)(ii) Certain persons suddenly made an attack on the accused in order to cut his crops. The accused, having no time to make a complaint to the police, resisted the attack and inflicted a wound with a piece of bamboo resulting in the death of a person from the aggressor's party. Discuss the liability of the accused with the help of decided cases. [05 Marks]

(b) (i) A with the intention of causing Z to be convicted of a criminal conspiracy, writes 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 has 'A' committed? Explain with the help of decided cases. [05 Marks]

(b)(ii) A plastic surgeon performed the plastic surgery of a patient to remove his nose deficiency but the patient died during the operation. Is the doctor liable for the death of the patient under the Indian Penal Code? [05 Marks]

(c)(i) The accused habitually visited prostitutes where one day he happened to meet a sixteen years old married girl leading a prostitute's life. The accused brought her to live with him without the knowledge of her husband. Has the accused committed any offence under the IPC? Explain with the help of decided cases. [05 Marks]

(c)(ii) The accused was the Branch Manager of the complainant company who was occupying the flat allotted to him by the company. On his transfer elsewhere, he was asked to vacate the flat which he did not despite several notices by the company. The company, therefore, instituted criminal proceedings against him. Is he liable for any offence under the IPC? [05 Marks]

(d)(i) A shopkeeper says to B, who manages his business — "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." Is A liable for making such statement against Z? Explain with the help of case law. [05 Marks]

(d)(ii) A Police Inspector (accused) invited his subordinate (deceased) to have a drink with him in his room. When they were drunk, the nephew of the deceased came and called him for dinner. As the deceased got up to leave the room, the accused got annoyed and started abusing the deceased. When the deceased objected to this, the accused drew up his service revolver and fired two shots which caused the death. Discuss the criminal liability of the accused. Elaborate with the help of case law. [05 Marks]

Q2.

(a) (i) Objective behind inclusion of Section 50A in the Cr.P.C. [05 Marks]

(a)(ii) Discuss the scope and objective of Section 357A, 357B and 357C of the Cr. P.C. [05 Marks]

(b)(i) The right to Appeal is a Statutory Right. Explain with the help of case law. [05 Marks]

(b)(ii) Explain Plea Bargaining as provided in Cr.P.C. and its relevancy in the modern time. [05 Marks]

(c)(i) Explain the procedure of Trial before a Court of Session under the Cr.P.C. [05 Marks]

(c)(ii) What is a charge? Form of charges and scope and objective behind Joinder of charges. [05 Marks]

(d)(i) The FIR u/s 154 Cr.P.C. is not to be an encyclopaedia. Explain with help of case law. [05 Marks]

(d)(ii) Explain the Cr.P.C. provisions regarding conditional order for removal of Public Nuisance. [05 Marks]

**Part B**

Q3.

(a) Discuss with the help of decided cases the offence by companies under the provisions of the Negotiable Instruments Act, 1881. [10 Marks]

(b) Explain with the help of decided cases, the dishonour of cheque for insufficiency etc. of funds in the account. [10 Marks]

(c) What is the procedure envisaged under the Negotiable Instrument Act, 1881 for taking cognizance by the court in case of offences committed under Section 138 of the Negotiable Instruments Act, 1881. [10 Marks]

(d) Discuss with the help of decided cases the presumption in favour of holder of a cheque under Section 139 of the Negotiable Instruments Act, 1881. [10 Marks]

Q4.

(a) (i) Explain briefly the power to grant Licences, permits and passes under the Himachal Pradesh Excise Act, 2011. [05 Marks]

(a)(ii) Explain the meaning of the following terms as provided in the Himachal Pradesh Excise Act, 2011? (1) Brewery (2) Molasses [05 Marks]

(b) (i) Discuss briefly the prohibition on import, export or transport of liquor under the Himachal Pradesh Excise Act, 2011. [05 Marks]

(b)(ii) Explain briefly the provisions relating to Appeal and Revision under the Himachal Pradesh Excise Act, 2011. [05 Marks]

(c)(i) Discuss the penalty for unlawful production, manufacture, possession, import, export, transport, sale etc. of liquor under the Himachal Pradesh Excise Act, 2011. [05 Marks]

(c)(ii) Discuss the penalty for consumption of liquor in a chemist shop under the Himachal Pradesh Excise Act, 2011. [05 Marks]

(d)(i) Discuss the provisions relating to confiscation of articles under the Himachal Pradesh Excise Act, 2011. [05 Marks]

(d)(ii) Explain the prohibitions with regard to possession of liquor under the Himachal Pradesh Excise Act, 2011. [05 Marks]

**Part C**

Q5.

(a) Explain and illustrate the meaning of the following terms under the Wildlife (Protection) Act, 1972:- [10 Mark]

(i) Weapon (ii) Uncured trophy (iii) Hunting (iv) Livestock

(v) Land

(b) Explain the Constitution, Powers and Functions of the National Tiger Conservation Authority under the Wildlife (Protection) Act, 1972. [10 Marks]

(c) What are the prohibition on trade or commerce in trophies, animal articles etc. derived from certain animals under the Wildlife (Protection) Act, 1972? [10 Marks]

(d) Discuss the circumstances in which hunting of wild animals may be permitted. Is there a provision for special purposes to grant a permit? Explain. [10 Marks]

Q6.

(a) Explain the Constitution, Powers and Functions of the Central Zoo Authority. Also discuss the provision relating to Recognition of zoos and Acquisition of animals by a zoo under the Wildlife (Protection) Act, 1972. [10 Marks]

(b)(i) Write brief notes on the following as provided under the Wildlife (Protection) Act, 1972:- Declaration of sanctuary [05 Marks]

(b)(ii) Write brief notes on the following as provided under the Wildlife (Protection) Act, 1972:- Protection of specified plants [05 Marks]

(c) Discuss the Constitution and Powers of the Tiger and other Endangered Species Crime Control Bureau under the Wildlife (Protection) Act, 1972. [10 Marks]

(d) Explain the Tiger Conservation Plan and also the Alteration and de-notification of tiger reserves under the Wildlife (Protection) Act, 1972. [10 Marks]

Q7.

(a) Explain and Illustrate the following terms as defined under the Indian Forest Act, 1927:-

(i) Forest Produce (ii) Timber (iii) Cattle (iv) Forest Officer

(v) Protected Forest [10 Marks]

(b) Discuss in detail the power to Reserve Forests under the Indian Forest Act, 1927. Also discuss the power of a Forest Settlement Officer. [10 Marks]

(c) Describe the provisions relating to protected forests under the Indian Forest Act, 1927. [10 Marks]

(d) Discuss the provisions with regard to control of Timber and other forest produce in transit under the Indian Forest Act, 1927. [10 Marks]

Q8.

(a) (i) Explain the provisions relating to Acid Attack as an offence under the IPC with the help of case law. [05 Marks]

(a)(ii) Intoxication as a defence of criminal liability with the help of important case law.[05 Marks]

(b)(i) Discuss the difference between common intention and common object. [05 Marks]

(b)(ii) Discuss the recent judicial trend with regard to adultery laws in India. [05 Marks]

(c) (i) Discuss change brought in rape laws under the IPC by the Criminal Law (Amendment) Act, 2013. [05 Marks]

(c)(ii) Explain the provisions relating to public nuisance under IPC. [05 Marks]

(d) (i) Discuss Section 498A IPC and Judicial trend to prevent its misuse in the country. [05 Marks]

(d)(ii) Differentiate between Extortion and Dacoity. [05 Marks]