Himachal Pradesh Civil Judge (Mains) 2023

Criminal Law · compulsory paper

Code: JSHP-23(M)-CRLAW · 20 September 2023 · Time Allowed: 3 Hours · Maximum Marks: 200

Question paper specific instructions

1. This question paper contains eight questions.

2. Part 'A' is compulsory.

3. Answer any three questions from Part 'B'

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

5. Write legibly supporting your answers with relevant statutory provisions and appropriate judicial pronouncements as may be desirable.

6. Each part of the questions must be answered in sequence in the same continuation.

7. If question are attempted in excess of the prescribed number only question attempted first up to the prescribed number shall be valued and the remaining answer will be ignored.

8. Re-evaluation/ re-checking of answer book are not allowed.

Part-A

(Both questions are compulsory)

1. (A) Draft a bail application on behalf of accused 'A' who has been booked by police and has been sent to jail for commission of an offence punishable under section 302 of Indian Penal Code, 1860. (10 marks)

1. (B) What is plea bargaining? Briefly describe its procedure. Whether these provisions apply in respect of all offences? Can victim of crime make any objection against these bargaining? Explain. (10 Marks)

1. (C) What will be the proper court to enquire into or try an offence in the following cases? Also, discuss the legal provisions and the relevant case laws to your answer.
(i) 'A' is put in fear of injury within the local jurisdiction of court 'X', and is thereby induced within the local jurisdiction of court 'Y' to deliver property to the person who put him in fear. The offence of extortion committed on 'A' is to be inquired and tried where? (5 Marks)
(ii) An offence of cheating is committed by 'A' by making a false representation to 'C' at place X, and by inducing 'C' to deliver any property to A's abettor, 'B' at place Y, in such a case, 'A' and 'B' can be tried jointly where? (5 Marks)

1. (D) (i) 'A' shoots at a Rabbit, but the bullet hits 'B' and causes his death. State liability of 'A'.
(ii) 'A' being a Police officer, commits penetrative sexual assault on a child, within the limits of the police station he is appointed. He shall be punished with what punishment under the Protection of Children from Sexual Offences Act, 2012.
(iii) Define 'forest produce' under the Indian Forest Act, 1927.
(iv) Explain 'Evidentiary Value' of an F.I.R.
(v) Distinguish between the offences of Unlawful assembly, Riot and affray. (10 marks)

2. (A) "In all murders, there is culpable homicide but every culpable homicide is not necessarily murder". Explain with illustrations.
A, under the influence of passion excited by a provocation given by Z, intentionally kills, Y, Z's child. Discuss the liability of A citing relevant provision and case laws. (10 Marks)

2. (B) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. Define the crime under which the criminal liability may arise. Committed. Refer suitable illustrations and decided cases in your answer. (10 Marks)

2. (C) When does the right of private defence of property extends to causing death?
A, B and C, who were armed, were escorting two ladies out of a village at the request of the ladies. X, Y and Z, attempted to kidnap one of the ladies. While doing so X labelled a loaded revolver against B and thereupon X was stabbed to death by B. Discuss the criminal liability of B. (10 Marks)

2. (D) State with reasons what offence, if any, has been committed?
(i) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has no authority from Z to give it to A. Despite this A takes the property. (5 Marks)
(ii) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. (5 Marks)

Part-B

(Attempt any three questions)

3. (A) An Indian citizen, takes an active part in Australia, in the performance of a wedding ceremony prohibited under the Child Marriage Restraint Act, 2006. Afterwards, he comes back to India, can he be tried in any of the Indian Courts in the jurisdiction of which he is found in India. Discuss with the light of statutory provisions and decided cases. (10 Marks)

3. (B) A, B, C and D go armed to X's house with the intention of committing robbery. X being absent, C and D proceeds to the field where X had gone with a view to compel him to hand over the keys of the safe. In the meantime, Y the son of X pushes opens the door of the house, whereupon A shoots him dead. Discuss the criminal liability of A, B, C, and D for the offence committed by them with the help legal provisions and relevant case laws. (10 Marks)

3. (C) 'A' kept the bottle of medicine in a shelf where some other bottles containing poisonous solution for photography business were also kept. In a state of drunkenness, before going to bed, 'A' mistakenly gave his ailing wife the poisonous solution. As a result of which she died. Discuss the criminal liability, if any, of the accused under the Indian Penal Code, 1860. (10 Marks)

3. (D) 'X' strikes 'A'. 'A' is by this provocation excited to violent rage. 'Y', a bystander intending to take advantage of A's rage and to cause him kill 'X'. gives a revolver into 'A's hand for that purpose. 'A' kills 'X' with the revolver. Discuss the criminal liability of 'A' and 'Y' with the help legal provisions and relevant case laws. (10 marks)

4. (A) State the provision contained in Criminal Procedure Code, 1973 relating to 'sentence in cases of conviction of several offences at one trial'. Is this provision mandatory? Cite judicial decisions. (10 Marks)

4. (B) State the guiding principles issued by Supreme Court which are to be ensured before issuing a direction for investigation under Section 156(3) of Cr. P. C. (10 Marks)

4. (C) An accused is arrested in a bailable offence and he is released on bail. During trial, he absconds and nonbailable warrants are issued against him. The police arrest him and produce him before the court. The defence counsel pleads for his release on bail under section 436(1), Cr. P. C. which provides that accused of a bailable offence shall be released on bail.
Can the Court, in such circumstances, refuse to release him on bail? Give reasons. (10 Marks)

4. (D) Examine the irregularities which vitiate and which do not vitiate criminal proceedings under the Criminal Procedure Code, 1973. (10 Marks)

5. (A) Define the followings:
(i) Promissory note
(ii) Bill of exchange
(iii) Cheque
(iv) Drawer and drawee
(v) Payee (10 Marks)

5. (B) 'Provision of Section 141 of Negotiable Instruments Act, 1881 creates a constructive liability on the persons responsible for the conduct of the business of the company'. Discuss the statement with the help of decided cases. (10 Marks)

5. (C) Enumerate the circumstances which impose prohibition on possession of the liquor under section 18 of the Himachal Pradesh Excise Act, 2011. (10 Marks)

5. (D) Explain the provisions relating to Appeal and Revision under Himachal Pradesh Excise Act, 2011. (10 Marks)

6. (A) Explain the provisions of penalty for unlawful production, manufacture, possession, import, export, sale etc. of liquor under section 39, of the Himachal Pradesh Excise Act, 2011. (10 Marks)

6. (B) In the light of Section 55 of the H.P. Excise Act, 2011, enumerate the circumstances when the Court takes cognizance of any offence punishable under the Act. (10 Marks)

6. (C) Discuss, with the help of decided cases, the liabilities of a person in case of dishonour of cheque under Section 138 of the Negotiable Instruments Act, 1881. (10 Marks)

6. (D) Explain the presumption of dishonour of a cheque under Section 146 of the Negotiable Instruments Act, 1881. Refer suitable illustrations and decided cases in your answer. (10 Marks)

7. (A) What do you mean by protected forest. Enumerate the rules as provided under section 32 of the Indian Forest Act, 1927 to regulate protected forest. (10 Marks)

7. (B) What are the various duties and powers of the Forest Settlement Officer under the Indian Forest Act, 1927? Explain. (10 Marks)

7. (C) Discuss the procedure for forfeiture of property derived from illegal hunting and trade under the Wildlife (Protection) Act, 1972. (10 Marks)

7. (D) Discuss the Penalties of which a person shall be liable on conviction for contravention of the provisions of the Wild life (Protection) Act, 1972. (10 Marks)

8. (A) Explain the following under the Wildlife (Protection) Act, 1972:
(i) Animal article
(ii) Hunting
(iii) National Park
(iv) Uncured trophy
(v) Zoo (10 Marks)

8. (B) Discuss the constitution and duties of State Board for Wildlife under the Wildlife (Protection) Act, 1972. (10 Marks)

8. (C) Explain the penalties for acts committed in contravention of notification under section 30 or of rules under section 32 of the Indian Forest Act, 1927. (10 Marks)

8. (D) Explain the power to impose duty on timber and other forest-produce as is provided under section 39 of the Indian Forest Act, 1927. (10 Marks)

De Facto IAS