Maharashtra Civil Judge (Mains) 2014

Paper II: Criminal Laws and Essay · compulsory paper

Indian Penal Code, Evidence Act, Code of Criminal Procedure, SC and ST (Prevention of Atrocities) Act, 1989, Protection of Civil Rights Act, 1955, Essay on Current Legal Topic. Time: 3 Hours · Maximum Marks: 100

Instructions to the candidates

1. Question Nos. 9 and 10 are compulsory.
2. Answer any six from the remaining questions.
3. Marks to each question are indicated by a figure in the margin on the right hand side.
4. Wherever an option has been given, only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.
5. Do not reproduce any question. Write only the question's number against the answer.
6. Other than cited cases, the candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book, otherwise he will be penalised.
7. The English version of the question shall be held to be authentic in case of any ambiguity.
8. All the questions should be attempted in one and the same language, either in English or in Marathi.
9. Candidates are expected to answer all the sub-questions of a question together. If a sub-question of a question is attempted elsewhere (after leaving a few pages or after attempting another question), the later sub-question shall be overlooked.

Question No. 1 [10 marks]

Explain the difference between a warrant trial and a summons trial.

Question No. 2

Write short notes on any two:

(a) Facts of which a court must take judicial notice. [5 marks]

(b) Difference between an admission and a confession. [5 marks]

(c) Impeaching credit of a witness. [5 marks]

(d) Competency of an accomplice to testify and precaution to be taken while appreciating his evidence.

Question No. 3 [10 marks][5 marks]

Explain in detail the right of private defence with special reference to the instances when it extends to causing death.

Question No. 4

Write the difference between any four:

(a) Common intention and common object [2½ marks]

(b) Theft and extortion [2½ marks]

(c) Preparation to commit dacoity and assembling for the purpose of dacoity [2½ marks]

(d) Wrongful restraint and wrongful confinement [2½ marks]

(e) Kidnapping and abduction [2½ marks]
(f) Criminal trespass and house trespass [2½ marks]

Question No. 5 [10 marks]
Explain with illustrations when the charges can be joined.

Question No. 6
Answer any two:
(a) What is the use of the diary to be maintained by an investigating officer during trial? [5 marks]
(b) When unlawful compulsory labour constitutes 'untouchability'? [5 marks]
(c) What are the presumptions as to the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989? [5 marks]
(d) When police may arrest without warrant? [5 marks]

Question No. 7 [10 marks]
Write a detailed note on presumptions of facts and law with reference to their effect.

Question No. 8
Write short notes (any two):
(a) Stoppage of summons case trial [5 marks]
(b) Closure report of a case [5 marks]
(c) Levy of fine [5 marks]
(d) Further investigation by investigation officer [5 marks]

Question No. 9 [20 marks]
Write an essay on any one topic (800 words):
(a) Increasing participation of children in sexual offences – a challenge.
(b) Collegium system of appointment of Judges versus Judges Appointment Commission.
(c) Witness protection – a challenge to judicial administration.

Question No. 10 [20 marks]
Write a judgment on the following facts:
A and B are ferry operators doing their business across the same creek. One night 'A' carries the boat of 'B' to the other side of the creek clandestinely and leaves it there duly anchored. On the complaint of 'B', police carry out investigation. 'A' is arrested and chargesheeted in the court of JMFC Alibag. The boat is found intact and is seized during investigation.

During trial enough reliable evidence is led to attribute authorship of the incident to 'A'.

The Assistant Government Prosecutor argues that theft by 'A' is duly established. According to the defence, 'A' had not retained the boat, which is intact, and there was no gain to him. Alternatively, A claimed the benefit of the Probation of Offenders Act.