Maharashtra Civil Judge (Mains) 2015

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. Questions No. 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. Do not reproduce any question. Write only the question's number against the answer.
5. 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.
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 authentic in case of any ambiguity.
8. All questions can be attempted only in one language, either English or Marathi, as per the option given in the application form.
9. Candidates are expected to answer all the sub-questions of a question together. If a sub-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]

Define 'admission', and explain: 'Admissions are not conclusive proof of the fact admitted, but they may operate as estoppels.'

Question No. 2 [10 marks]

When are statements made by a person who is dead relevant and admissible in evidence?

Question No. 3 [10 marks]

Write short notes (any four):
(a) Expert opinion
(b) Presumption as to 30-year-old document
(c) Hearsay evidence
(d) Estoppel
(e) Secondary evidence
(f) Hostile witness

Question No. 4 [10 marks]

What do you mean by F.I.R.? Explain in detail its significance and evidentiary value.

Question No. 5 [10 marks]

Write the difference between (any four):
(a) Bailable and non-bailable offence

(b) Cognisable and non-cognisable offence
(c) Discharge and acquittal
(d) Release of the accused on admonition and on probation of good behaviour
(e) Fine and compensation

Question No. 6 [10 marks]

Define and explain the following concepts with illustration:
(a) Cruelty (u/s 498A of the I.P. Code)
(b) Dowry death

Question No. 7 [10 marks]

Write short notes (any four):
(a) Unlawful assembly
(b) Grievous hurt
(c) Good faith
(d) House trespass
(e) Robbery
(f) Abetment

Question No. 8 [5+5 marks]

Define and explain:
(a) Untouchability (with reference to the Protection of Civil Rights Act) [5 marks]
(b) Atrocity [with reference to the S.C. & S.T. (Prevention of Atrocities) Act] [5 marks]

Question No. 9 [20 marks]

Write an essay on any one subject:
(a) Is Uniform Civil Code really necessary?
(b) Increasing rate of atrocities against women
(c) Human Rights and their protection

Question No. 10 [20 marks]

Write a judgment on the following facts:

A lady by the name Gita was waiting for a bus near Pune Railway Station. A boy around 18 years came on a motorcycle, snatched Gita's gold necklace of 40 gms and escaped before that lady could see his face. She lodged a report with the Police. On the next day Samir, aged about 19 years, was arrested by the Police in connection with a similar offence. He gave information to the Police that the day before he had snatched a gold necklace of a woman and sold it to Sonare Jeweller. He showed that shop. Police seized a gold ingot of 40 gms and a sale receipt bearing the signature of Samir.

Police did further investigation and filed a charge-sheet against Samir.

During trial sufficient evidence is led to connect the accused with the theft. Samir denied everything in his statement and alleged that the Police falsely implicated him. Alternatively he claimed the benefit of the Probation of Offenders Act.