Maharashtra Civil Judge (Mains) 2016

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]

What is meant by burden of proof? On whom does it lie? Does the burden of proof shift?

Question No. 2 [10 marks]

Write short notes (any two):
(a) Document
(b) Hostile witness
(c) Res gestae
(d) Secondary evidence

Question No. 3 [10 marks]

Explain in detail the provisions regarding criminal conspiracy.

Question No. 4 [10 marks]

Write the difference between (any four):
(a) Bailable offence and non-bailable offence
(b) Common intention and common object
(c) Inquiry and investigation
(d) Admission and confession
(e) Complaint and FIR
(f) Bigamy and adultery

Question No. 5 [10 marks]

Explain the provisions relating to hurt and grievous hurt.

Question No. 6 [10 marks]

Define and explain the following:

(a) 'Place of Public Entertainment' under the Protection of Civil Rights Act

(b) Atrocity

Question No. 7 [10 marks]

Write notes (on any four):

(a) Valuable security

(b) Wrongful gain and wrongful loss

(c) Injury

(d) Good faith

(e) Theft

(f) Extortion

Question No. 8 [10 marks]

Discuss in detail the provisions relating to unlawful assembly.

Question No. 9 [20 marks]

Write an essay on any one of the following:

(a) Whether capital punishment should be abolished?

(b) Whether defamation should be decriminalised?

(c) Whether juvenile offenders should be treated as adults in case of heinous crimes?

Question No. 10 [20 marks]

Write a judgment on the following facts:

There was a quarrel between A and B. C, B's brother, went to A's house to know the cause of the quarrel. A twisted C's right hand forcefully, resulting in dislocation of C's shoulder. B is an eye witness to the incident.

It was argued on behalf of the prosecution that it has proved its case beyond reasonable doubt. It was argued on behalf of the accused that there was enmity between A and C. B's testimony cannot be relied upon as he is a related witness and no independent witness was examined.