# Maharashtra Civil Judge (Mains) 2017

## 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 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]

Discuss the constitution and powers of various criminal courts constituted under the Code of Criminal Procedure, 1973.

**Question No. 2** [10 marks]

Write notes (any two):

(a) Bar to take cognizance of certain offences after lapse of the period of limitation

(b) Security for good behaviour from habitual offenders

(c) When facts not otherwise relevant become relevant

(d) Stoppage of proceedings in summons cases

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

Discuss critically the exceptions enumerated to Section 300 of the Indian Penal Code.

**Question No. 4** [10 marks]

Write the difference between (any four):

(a) Bail and Anticipatory Bail

(b) Discharge and Acquittal

(c) Police custody and Magisterial custody

(d) Dowry death and Harassment of a woman by husband or his relatives for illegal demands

(e) Forgery and Making of a false document
(f) Criminal trespass and House trespass

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

Discuss the law of hearsay evidence and also explain the rationale behind the exclusion of hearsay evidence.

**Question No. 6**

(a) Discuss the limitation on jurisdiction of civil courts under the Protection of Civil Rights Act, 1955.
(b) Define 'Economic boycott' under the SC and ST (Prevention of Atrocities) Act, 1989. [5 marks]

**Question No. 7** [10 marks][5 marks]

Write short notes (on any four):
(a) Electronic Records
(b) Cross-examination of a witness
(c) Refreshing memory
(d) Judge's power under Section 165 of the Indian Evidence Act
(e) Impeaching credit of witness
(f) Who may testify

**Question No. 8** [10 marks]

Discuss critically the maxim "actus non facit reum, nisi mens sit rea". How far is this maxim reflected in the Indian Penal Code?

**Question No. 9** [20 marks]

Write an essay on any one of the following:
(a) Cow Slaughter Ban
(b) Digital India
(c) Demonetisation

**Question No. 10** [20 marks]

Write a judgment on the following facts:

A and B were friends. They were having fun in the house of A. Suddenly a quarrel occurred between the two. A assaulted B with a stick on his leg resulting in a fracture injury. A assaulted B in the presence of his parents C and D. B went to a hospital and got treatment. Doctor E issued an injury certificate showing a fracture in the right leg.

During trial, B supported the prosecution version. However, the parents of A, i.e. C and D, turned hostile. The injury certificate was proved through the Doctor. He also deposed that B was admitted in the hospital with a history of assault. B identified the stick by which he was assaulted. There is no independent eye witness to the incident. A took a plea that B himself fell down while running. A also said that he had admitted B in the hospital and argued that had he assaulted B, he would not have admitted B in the hospital.