Maharashtra Civil Judge (Mains) 2019

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 power to suspend, remit and commute sentence and its restriction.

Question No. 2 [10 marks]

Write the difference between (any four):
(a) Theft and Robbery
(b) Criminal Force and Assault
(c) Wrongful restraint and Wrongful confinement
(d) Relevant fact and Fact in issue
(e) Inquiry and Investigation
(f) Summons case and Warrant case

Question No. 3 [10 marks]

Discuss critically the procedure in the case of an accused being a lunatic or unsound-mind person under the Code of Criminal Procedure, 1973.

Question No. 4 [10 marks]

Write notes (any two):
(a) Limit of punishment of an offence made up of several offences
(b) Criminal breach of trust

(c) Thug
(d) Hearsay evidence

Question No. 5 [10 marks]

Discuss the different types of bail and the powers of different courts to grant bail under the Code of Criminal Procedure, 1973.

Question No. 6 [10 marks]

Write short notes (any four):
(a) Discharge
(b) Release on probation of good conduct
(c) To what extent a court can alter its judgment
(d) Disposal of property at conclusion of trial
(e) Restriction on use of statement recorded by a police officer during investigation
(f) Estoppel

Question No. 7

(a) Comment on "Collective fine" under the SC and ST (Prevention of Atrocities) Act, 1989. [5 marks]
(b) Define the different types of places under the Protection of Civil Rights Act, 1955. [5 marks]

Question No. 8 [10 marks]

Discuss critically the maxim "Ignorantia juris non excusat" and its application in the Indian Penal Code.

Question No. 9 [20 marks]

Write an essay on any one of the following:
(a) Age of consent in sexual offences
(b) Right to Privacy in India
(c) Right to die

Question No. 10 [20 marks]

Write a judgment on the following facts.

X, a senior citizen, goes to a Police Station (in short P.S.) to give information of the commission of a cognizable offence. He finds there 2 Police Officers (A and B) snoring. He took a handcuff from there. He handed it over to the Superintendent of Police (in short S.P.) at his office. He files a written complaint with the S.P. He also informs him about the situation at the P.S. when he had gone there.

On the basis of information of the S.P., X was charge-sheeted and prosecuted for the theft of the handcuff.

During trial the S.P. deposed that X handed over the handcuff to him at his office and filed a written complaint. In his cross-examination he admitted that X apprised him about the position at the P.S. A was not examined. B denied that he was sleeping in the P.S. at the relevant time. However, in his cross-examination he stated that a departmental enquiry is pending against them. X took a plea that there was no mens rea on his part in doing so. As per the prosecution, taking away is proved; X could have woken up the officers. Hence, he cannot take such a plea.