Maharashtra Civil Judge (Mains) 2020

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]

Distinguish the following (any four):
(a) Complaint and information in cognizable cases
(b) Wrongful restraint and wrongful confinement
(c) Cheating and cheating by personation
(d) Proved, disproved and not proved
(e) Primary evidence and secondary evidence
(f) Abetment of a thing and criminal conspiracy

Question No. 2 [10 marks]

State the trial of warrant cases instituted otherwise than on police report.

Question No. 3 [10 marks]

Write notes on any two:
(a) Rules as to notice to produce
(b) Dying declaration
(c) Child witness
(d) Order for custody and disposal of property pending trial in certain cases

Question No. 4 [10 marks]

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

Question No. 5 [10 marks]

Write notes on any two:

(a) Court may alter charge

(b) Reports of certain Government scientific experts and their use

(c) Diary of proceedings in investigation

(d) Security for keeping the peace on conviction

Question No. 6 [5+5 marks]

Answer the following:

(a) What are the presumptions as to offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989?

(b) What is "enforcing social disabilities" on the ground of untouchability under the Protection of Civil Rights Act, 1955?

Question No. 7 [10 marks]

Discuss in detail the provisions relating to "unlawful assembly".

Question No. 8 [10 marks]

Write any four from the following:

(a) Various requirements of Section 60 of the Indian Evidence Act

(b) Voluntarily

(c) Impeaching credit of witness

(d) Stolen property

(e) Force

(f) Cognizance of offences by Magistrates

Question No. 9 [20 marks]

Write an essay on any one subject:

(a) Human rights and their protection

(b) Public Interest Litigation (PIL)

(c) The virtual courts and access to justice

Question No. 10 [20 marks]

Write a judgment on the following facts. (Candidates shall write the facts in detail and write the judgment based on their imagination power.)

On 10 January, at 8:30 pm, 'A' closed and locked his shop and went home. On 11 January, at 9:00 am, 'A' went to his shop. At that time 'A' found that his shop was open, the locks were broken and cash of ₹ 1,000 was stolen from the counter. 'A' lodged a report with the city Police Station, Chandrapur, and a crime was registered. The Investigation Officer prepared a spot panchnama. On the basis of footage of the CCTV camera installed in the shop, the accused was arrested. The disclosure statement of the accused was recorded. The Investigation Officer submitted a chargesheet before the JMFC Court at Chandrapur.

On trial 'A' (PW1), the spot panch (PW2), the Investigation Officer (PW3) and another panch on the disclosure statement (PW4) supported the prosecution.

The Assistant Public Prosecutor argued that the accused was seen in the CCTV footage. The accused showed the spot of occurrence before the panch. Thus, the charge is proved.

The defence lawyer submitted that the printout of the CCTV footage is not proved legally. There is no eye witness of the occurrence. The rest of the evidence is insufficient to prove the charge. Therefore the accused may be acquitted.

De Facto IAS