Maharashtra Civil Judge (Mains) 2021

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) Discharge and Acquittal
(b) Presumptions of Fact and Presumptions of Law
(c) F.I.R. and Complaint
(d) Inquiry and Investigation
(e) Common Intention and Common Object

Question No. 2 [10 marks]

Write notes (any two):
(a) Detention of accused in custody during investigation.
(b) Restrictive use of statement recorded by police officer during investigation.
(c) Disposal of property at conclusion of trial.

Question No. 3 [10 marks]

Discuss trial of warrant cases by Magistrates, instituted on police report.

Question No. 4 [10 marks]

What is the general rule of law regarding the place of trial of an offender? What are exceptions to it? State place of trial in case of theft.

Question No. 5 [10 marks]

(a) What is confession?

(b) What is its evidentiary value?

(c) How much information received from accused is provable? Explain with example.

Question No. 6 [10 marks]

Write differences between (any two):

(a) Theft and extortion

(b) Abetment and criminal conspiracy

(c) Forgery and making of false documents

Question No. 7 [10 marks]

Write short notes (any four):

(a) Mischief

(b) Grievous hurt

(c) Dishonestly

(d) Valuable security

(e) Fine

Question No. 8

(a) Presumptions as to offences under the S.C. and S.T. (Prevention of Atrocities) Act, 1989. [5 marks]

(b) When can unlawful compulsory labour be deemed to be a practice of untouchability under the Protection of Civil Rights Act, 1955? [5 marks]

Question No. 9 [20 marks]

Write an essay on (any one):

(a) Offences against children

(b) Law of sedition

(c) Age of marriage

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 power of imagination for missing facts.)

'A' is a married woman who used to reside with her husband 'B' at Pratap Nagar, Amravati. 'B' runs a shop there. Accused 'C' is a distant relative of 'B'. He frequently visits their house.

On the date of the incident 'A' raised shouts from her house. Neighbours and 'B' came there. She revealed that 'C' has outraged her modesty.

At trial, victim 'A' and 'B' stuck to their statements. Neighbours did not support the prosecution case.

The defence of the accused is that of false implication on account of a hand loan given to 'B'.