Maharashtra Civil Judge (Mains) 2023

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]

Write short notes:
(a) Complaint
(b) Cognizable offence
(c) Victim
(d) Information in cognizable cases (F.I.R.)

Question No. 2 [10 marks]

Define any four:
(a) Injury
(b) Hurt
(c) Grievous hurt
(d) Wrongful gain and wrongful loss
(e) Punishment

Question No. 3 [10 marks]

State and discuss in brief the provisions pertaining to compensation provided in the Code of Criminal Procedure.

Question No. 4 [10 marks]

Define all:

(a) Robbery
(b) Theft
(c) Criminal force
(d) Common intention
(e) Admission

Question No. 5 [10 marks]

Discuss in brief the provision of trial of warrant cases by Magistrate including the cases instituted on police report and cases instituted otherwise than on police report.

Question No. 6 [10 marks]

Discuss in brief the presumption in respect of abetment of suicide by a married woman and presumption as to dowry death.

Question No. 7 [10 marks]

How may electronic records be proved?

Question No. 8

(a) Define "Economic boycott" as defined by the S.C. and S.T. (Prevention of Atrocities) Act, 1989.
(b) Whether the Probation of Offenders Act, 1958 is applicable to any person above the age of fourteen years who is found guilty under the Protection of Civil Rights Act, 1955? [5 marks] [5 marks]

Question No. 9 [20 marks]

Write an essay on any one of the following:
(a) Impact of social media on Judiciary
(b) Role of judges in speedy Justice delivery
(c) Justice delayed is Justice denied

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' was present in the house along with 'B', his 14 years son. 'C' all of a sudden enters the house along with a stick and beats 'A'. On shouts of 'A', neighbour 'D' came running towards the house of 'A'. By seeing 'D' coming, 'C' comes out of the house and runs away along with the stick. Neighbour 'D' saw 'C' running away with the stick by coming out from the house of 'A'.

At trial 'A' and his 14 years son 'B' stuck to their statements in court. Neighbour 'D' did not support the prosecution and was declared hostile. But in the cross-examination taken by the public prosecutor for the State he admitted that he saw 'C' running away with the stick.

The defence of the accused is that of false implication on account of a land dispute.