Odisha Judicial Service (Mains) 2017

Procedural Laws · compulsory paper

2½ hours · 150 marks

The figures in the right-hand margin indicate marks. Answer six questions, selecting two from Section A, two from Section B and two from Section C.

Section A — Code of Criminal Procedure, 1973

1. What is a Charge ? Discuss the effects of errors in a charge. How is charge different from F. I.R.? [25 marks]

2. Discuss the differences between the proceedings invoked in a warrant case and summons case. [25 marks]

3. Explain the procedures invoked for a trial before the Sessions Court. [25 marks]

4. Critically analyze the concept of Plea Bargaining and its significance as envisaged under the Code of Criminal Procedure. [25 marks]

Section B — Civil Procedure Code, 1908

5. Explain the procedure on abatement of suit by death of a defendant. How can you set aside abatement and how to implead legal heirs of deceased defendant ? [25 marks]

6. Enumerate the significance of Garnishee proceedings under O.21 R46 of the Code of Civil Procedure. [25 marks]

7. Critically analyze the impact of 2002 amendment to the Civil Procedure Code, 1908. [25 marks]

8. Briefly analyze the circumstances under which the amendment of pleadings is permitted and refused in the light of the provisions envisaged under the Code of Civil Procedure, 1908. [25 marks]

Section C — Indian Evidence Act, 1872

9. The probative value of evidence of character must not be overrated. It is not a sufficient ground for disbelieving solid evidence of facts. Were it so, no one would be convicted for every criminal had a good character until he lost it - Prof. Kenny. Critically examine this statement in the light of the provisions relating to relevancy of character evidence envisaged under the Indian Evidence Act. [25 marks]

10. Explain the touchstones upon which the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping. [25 marks]

11. Explain the different kinds of presumptions and its utility / significance under the Indian Evidence Act with the help of illustrations / case laws. [25 marks]

12. Analyze the significance and implications of concepts like logical relevancy, legal relevancy, admissibility and reliability as envisaged under the framework of the Indian Evidence Act. [25 marks]