Punjab Civil Judge (Mains) 2019

CRIMINAL LAW · compulsory paper

Time: Three Hours · Maximum Marks: 200

Instructions for candidates:

1. Attempt ALL the questions and in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question.
3. Support your answers with relevant provisions and case law.
4. No extra answer sheet will be provided.

Question 1

1(a). Mr. 'A' lived with his daughter, Ms. 'X', who is 5 years old. Mr. 'A' and Mr. 'B' were business rivals. Mr. 'A' decided to kill Mr. 'B', for which he instigated Ms. X as a consequence of which Ms. X stabbed Mr. 'B' with a sharp knife. However, Mr. 'B' survived and registered an FIR against Mr. 'A' and Ms. 'X'.
Consider the above facts and discuss the liability of Mr. 'A' and Ms. 'X'. [10 marks]

1(b). 'P', a staff-member at a shopping mall secretly installed a CCTV camera in the women's trial room at the mall and watched the footage of women changing clothes in the said room on his mobile phone.
Consider the above facts and decide the criminal liability of 'P'. [10 marks]

1(c). Distinguish between 'Police custody' and 'Judicial custody' [10 marks]

1(d). Abduction is a continuing offence, but kidnapping is not. Distinguish between 'kidnapping' and 'abduction' under the Indian Penal Code. [10 marks]

Question 2

2(a). "An accomplice is undoubtedly a competent witness under the Evidence Act. However, an accomplice's evidence is looked upon with suspicion because to protect himself, he may be inclined to implicate the co-accused."
Consider the above statement and discuss the evidentiary value of accomplice's evidence. [10 marks]

2(b). Mr. A commits a sexual offence on a child aged 14 years and has been charged under Section 14(5) of the POCSO Act, 2012 for which the minimum imprisonment is 8 years but may extend to 10 years. He is under custody but the police did not file the charge-sheet even after 70 days. Explain with the help of relevant case laws whether he is entitled to default bail under Section 167(2) of the Cr. P.C.? [10 marks]

2(c). Mr. A attacks Mr. B with a knife and injures him. Though the cut was not sufficient in the ordinary course of nature, B died of tetanus. State the liability of A while explaining "Causation" as an element of criminal liability with the help of case laws and illustrations? [10 marks]

2(d). Differentiate between the following:
(i) transportation clause and interpretation clause.
(ii) enquiry and investigation
(iii) inherent powers and residuary powers
(iv) injured witness and interested witness [2½ × 4 = 10 marks]

Question 3

3(a). Mr. A was charged under Section 392 of the Indian Penal Code for the offence of robbery but was convicted under Section 384 of the Indian Penal Code for the offence of extortion after the completion of trial. Explain with the help of relevant case laws and provision whether the conviction is legal or the trial has been vitiated under Section 464 of the Criminal Procedure Code? [10 marks]

3(b). The Indian Penal Code not only gives exception against involuntary intoxication but also against voluntary intoxication. Explain the conditions under which voluntary intoxication can be exempted under Section 86 with the help of relevant case laws and illustrations? [10 marks]

3(c). Explain with the help of relevant case laws, the difference between discharge and acquittal, also explain the grounds for discharge? [10 marks]

3(d). One Miss Rita was charged of an offence under Section 379 of the Indian Penal Code. During investigation police seized her mobile phone along with other items. The mobile phone was finger print enabled and Rita denied giving her finger prints but police compelled her to give fingerprint specimen and later used the same to unlock her phone. Later on police found certain incriminating materials in her phone and used it in evidence against her. State the admissibility of such evidence under Section 27 of the Indian Evidence Act? [10 marks]

Question 4

4(a). Differentiate between the joint liabilities under Section 34 and Section 149 of the IPC, with the help of relevant case laws and illustrations? [10 marks]

4(b). What is Charge? State the particulars of the Charge. Can charge be altered? If so, when? What is the effect of defective charge? [10 marks]

4(c). Write short notes on the following:
(i) Diary of Investigation proceedings and its importance in evidence
(ii) Police officer's report after completing Investigation
(iii) Inquest Report
(iv) Hostile witness [2½ × 4 = 10 marks]

4(d). When does an act become an attempt to commit an offence? What is the difference between attempt to commit an offence and preparation to commit an offence? How far an attempt to commit offence is punishable under Indian Penal Code? [10 marks]

Question 5

5(a). State with the help of relevant case laws, the conditions under which a hearsay evidence may be admissible as res gestae and also critically examine the doctrine of res gestae? [10 marks]

5(b). Mr. A and Mr. B are accused of committing lurking house break under Section 453 of the Indian Penal Code on 3/9/2019 at the house of Mr. X, who resides at 406, Model Town, Mohali, Punjab. Frame charges for the above situation? [10 marks]

5(c). Mr. A went for picnic in a wildlife sanctuary, where he found Mr. Y in an injured condition. When inquired about the incident Mr. Y narrated the whole story of events and also the name of the person who committed this offence, soon after which he died. State with the help of relevant case laws, whether the statement of Mr. Y can be admissible as dying declaration? [10 marks]

5(d). Differentiate among the following, with the help of relevant case laws:
(i) Motive and Intention
(ii) Relevancy and Admissibility [5 × 2 = 10 marks]