Punjab Civil Judge (Mains) 2022

CRIMINAL LAW · compulsory paper

4 June 2023 · Three hours · 200 marks

1. Attempt all questions in the same order in which they appear.
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). "The decisive ingredient for establishing the offence of Sedition under relevant section of Indian Penal Code is the doing of certain acts which would bring the Government established by law in India into hatred or contempt." Elucidate the offence of sedition. [15 marks]

1(b). Arguments between X (husband) and W (wife) on repayment of loan to the Bank, turned ugly. X slapped his wife and not satisfied with this threw a burning stove (kerosene oil) on her. The oil with flame resulted into fire in which the wife was engulfed. X tried to dose it off, however, the burn injuries were beyond 70% which resulted into death of the wife four days later in hospital. Determine criminal liability of X. [10 marks]

1(c). Explain the scope and ambit of offence of abetment of suicide. [15 marks]

Question 2

2(a). A and B are working in a company as software engineers. A promises to B that he will marry her at any cost. Believing him, she gets into a sexual relationship for two years. Later A gets engaged to X. When confronted by B, A says he could not keep up the promise due to unavoidable circumstances. B files a complaint of Rape. Decide. [15 marks]

2(b). Discuss the concept of kidnapping from lawful guardianship, if a 16 year old boy eloped with a 17 year old girl. What is the offence committed, and who is the offender? [10 marks]

2(c). Write a brief note on 'power of suspension of sentence' and 'stay of conviction' under the Criminal Procedure Code. [10 marks]

2(d). Write a short note on unlawful assembly. [5 marks]

Question 3

3(a). Explain the procedure to compel a person to appear before a Court under Criminal Procedure Code? Under what circumstances one can be declared a proclaimed person and a proclaimed offender? [10 marks]

3(b). Discuss the concept of mitigating factors in determining punishment for the offence of murder? [10 marks]

3(c). What is default bail? Can the Court impose a condition while granting default bail to deposit the amount involved in the alleged crime? [10 marks]

3(d). Write short notes on: (i) Rioting (ii) Public nuisance [10 marks]

Question 4

4(a). "The general principle is a party cannot give evidence of his/her character for the purpose of showing, that it is improbable that he/she should be held guilty of the conduct imputed to him/her." Elucidate the relevancy of the character under the Indian Evidence Act. [10 marks]

4(b). Enumerate general principles when a conviction can be based on circumstantial evidence. [10 marks]

4(c). How far the findings of a decided civil case are relevant in a subsequent criminal case based on the same facts. Explain. [10 marks]

4(d). What is the difference between 'Dock Identification' and 'Test Identification Parade'? Explain the evidentiary value of each of them. [10 marks]

Question 5

5(a). State and explain the circumstances in which bail can be granted. Also explain the discretion in granting bail in non-bailable offences. [10 marks]

5(b). Discuss the ratio of law laid down in context of summoning of additional accused in Sukhpal Singh Khaira vs. State of Punjab (2022) 17 SCC 246: AIR 2023 SC 1 [10 marks]

5(c). Write short notes on: i) Withdrawal from prosecution ii) Compoundable and non-compoundable offences iii) Admissibility of electronic evidence iv) Adverse inference [20 marks]