Rajasthan Civil Judge (Mains) 2013

Law Paper II · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 37 questions in three parts · Part A: Questions 1 to 20, two marks each (40 marks); Part B: Questions 21 to 30, three marks each (30 marks); Part C: Questions 31 to 37, any five, six marks each (30 marks)

Instructions to the candidates

1. Candidate is directed to go through the instructions printed on the Answer Book before attempting Question Paper.

2. The Question Paper is divided into three parts, A, B and C. The number of questions to be attempted and their marks are indicated in each part.

3. The answers of the questions can be attempted in any seriatim but where a question consists of several parts, all such parts should be answered continuously in the Answer Book and should not be mixed with any other question. If any candidate writes answer of different parts of a question at different places or with answer to other questions, such answer shall not be assessed by the examiner.

4. Attempt answers either in Hindi or in English.

5. The candidates should not write the answers beyond the limit of words prescribed.

6. Do not write any thing on the Question Paper.

7. In the question paper, if there is any discrepancy in English & Hindi versions, the English version is to be treated as correct.

8. If candidate leaves the Examination Hall before the prescribed time will have to leave his question paper with the invigilator.

9. Any candidate found using unfair means in the Examination shall be disqualified for entire Examination and liable for penal action.

Part A

Marks 40 (20 x 2 = 40). Note: Attempt all the 20 questions. Each question carries 02 marks. Answer should not exceed 30 words each.

1. What do you understand by "Juvenile in Conflict with Law"? [2 marks]

2. What does "Court" mean under General Rules (Criminal), 1980? [2 marks]

3. What does "Commercial Quantity" means in relation to Narcotic Drugs and Psychotropic Substances? [2 marks]

4. A person on acquisition of having committed an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, desires to have anticipatory release on bail. Can he invoke powers vested with the Sessions Court as per Section 438 Code of Criminal Procedure? [2 marks]

5. What preventive action can be taken by law and order machinery on having reason to believe that a group of persons, not belonging to Scheduled Castes or Scheduled Tribes, may commit any offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989? [2 marks]

6. What is the difference between abduction and kidnapping? [2 marks]

7. Discuss the law relating to power to commute the sentence. [2 marks]

8. What does "conclusive proof" mean in the Indian Evidence Act, 1872? [2 marks]

9. How a witness who is unable to speak may give his evidence? [2 marks]

10. How and when a Magistrate can set aside an exparte order passed while exercising powers under Section 126 of the Code of Criminal Procedure? [2 marks]

11. What meaning shall be given to the words and expressions used but not defined under the Probation of Offenders Act, 1958 and defined under the Code of Criminal Procedure? [2 marks]

12. As per General Rules (Criminal), 1980 in which circumstances a police officer is required to present before the Court in uniform? [2 marks]

13. Mention the general provisions prescribed under General Rules (Criminal), 1980 in relation to the daily cause list of a Court. [2 marks]

14. Provisions of which chapters and sections of the Indian Penal Code shall apply for the purposes of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as they apply for the purpose of the Indian Penal Code? [2 marks]

15. What does the term "shared household" means under the Protection of Children from Sexual Offences Act, 2012? [2 marks]

16. What is "wrongful gain" as defined under the Indian Penal Code? [2 marks]

17. A resident of crowded colony used to burn tyres, making atmosphere noxious to the health of other residents of the colony. What offence under the Indian Penal Code 1860 he is committing and what maximum punishment for that may be awarded? [2 marks]

18. Who is the Judicial Officer competent to give special orders, as to the distribution of business among the Judicial Magistrates posted in District Judgeship? [2 marks]

19. Who is competent to determine the language of each Court within the State other than the High Court for the purpose of Code of Criminal Procedure, 1973? [2 marks]

20. Explain the presumption as per Section 146 of the Negotiable Instruments Act, 1881 about dishonour of a cheque. [2 marks]

Part B

Marks 30 (10 x 3 = 30). Note: Attempt all the 10 questions. Each question carries 03 marks. Answer should not exceed 60 words each.

21. Mention the conditions in which provisions of Probation of Offenders Act, 1958 can be applied to a person convicted for the offences punishable under the Narcotic Drugs and Psychotropic Substances Act, 1985. [3 marks]

22. What procedure is to be followed when claim of juvenility is raised before any Court? [3 marks]

23. Discuss the provisions of the Code of Criminal Procedure, 1973 in relation to grant of compensation to the persons groundlessly arrested. [3 marks]

24. Explain the ingredients of the offence of "Criminal Misappropriation of Property" and distinguish it from "Criminal Breach of Trust". [3 marks]

25. Discuss the ambit of the inquiry under Section 202 of the Code of Criminal Procedure, 1973.

26. Write short note on any two of the following:- [3 marks][3 marks]

(A) Police to inquire and report on suicide.

(B) Arrest by private person and procedure on such arrest.

(C) Public documents.

(D) Burden of proving fact especially within the knowledge.

27. For the purpose of Section 498-A of the Indian Penal Code what does "cruelty" means? [3 marks]

28. What is the procedure under Section 24 of the Protection of Children from Sexual Offences Act, 2012 for recording statement of a child? [3 marks]

29. Write a short note on the powers of a Court in relation to variation of conditions of probation under the Probation of Offenders Act, 1958. [3 marks]

30. Write short note on any one of the following:- [3 marks]

(A) Punishment under the Information Technology Act, 2000 for publishing or transmitting obscene or sexually explicit act in electronic form.

(B) Order that may be passed regarding juvenile by the Juvenile Justice Board.

Part C

Marks 30 (5 x 6 = 30). Note: Attempt any 05 questions. Each question carries 06 marks. Answer should not exceed 225 words each.

31. Write a judgment by developing imaginary facts convicting and sentencing an accused for an offence punishable under Section 304-A of the Indian Penal Code. [6 marks]

32. Frame the charge for following :- [6 marks]

(A) For an offence punishable under Section 326 read with Section 149 of the Indian Penal Code.

(B) For an offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

(C) For an offence punishable under Section 379 of the Indian Penal Code.

33. Discuss the provisions relating to Victim Compensation Scheme prescribed under Section 357-A, grant of compensation as per Section 357-B and treatment of victims as per provisions of Section 357-C of the Code of Criminal Procedure, 1973. [6 marks]

34. Write short note on the following :- [6 marks]

(A) Procedure in case of offender failing to observe conditions of bond executed to avail benefit under Section 4 of the Probation of Offenders Act, 1958.

(B) Offences and penalties relating to theft under Part-XIV of the Electricity Act, 2013.

35. Discuss with illustrations the law where a Court may presume existence of any fact which it thinks likely to have happened in common course of natural events, human conduct and public and private business in a particular case. [6 marks]

36. A first information report has been lodged against 'A' for cheating and dishonestly inducing delivery of property. By developing your own facts pertaining to the offence referred above, write an application on behalf of 'A' to have direction for grant of bail apprehending arrest. [6 marks]

37. Discuss the summary procedure given in the Code of Criminal Procedure for trial for giving false evidence. [6 marks]

De Facto IAS