Rajasthan Civil Judge (Mains) 2015

Law Paper II · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 21 questions in two parts: Questions 1 to 10 carry 3 marks each, 11 to 13 carry 6 marks each, Question 14 carries 10 marks, Question 15 carries 12 marks and Questions 16 to 21 carry 5 marks each

Instructions to the candidates

1. Write the required particulars only on the flap provided on the top of "Question Paper-cum-Answer Book"; and not at any other place.

2. Do not write any mark of identity inside the "Question Paper-cum-Answer Book" (including paper for rough work) i.e. Roll Number, Name, Address, Mobile Number/ Telephone Number, Name of God etc. or any irrelevant word, sentence or figure other than the answer of question. Such act will be treated as unfair means. In such a case his candidature shall be rejected for the entire examination.

3. A candidate found creating disturbance at the examination centre or misbehaving with Invigilating Staff or cheating will render him liable for disqualification. He shall also be liable for penal action under "The Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992".

4. The question paper is divided into two parts 'A' and 'B'. The number of questions to be attempted and their marks are indicated in that part.

5. The answer of the questions in all two parts i.e. 'A' and 'B' should strictly be written in the space provided below question and not elsewhere, otherwise, such answer shall not be assessed by the examiner.

6. The candidate should not write the answers beyond the space prescribed. No Supplementary Answer Book shall be provided in any case.

7. Attempt answers either in Hindi or in English, not in both. Specify an option by ticking in box of "Medium of Answer" on the flap.

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

9. In case the "Question Paper - cum- Answer Book" is torn or not printed properly, bring it to the notice of invigilator for change or direction at earliest, otherwise the candidate will be liable for that.

10. Possession of any electronic device is strictly prohibited in the Examination Hall.

Note: Attempt all the questions. Question no. 1 to 10 each carries 3 marks, question no. 11 to 13 each carries 6 marks, question no. 14 carries 10 marks, question no. 15 carries 12 marks and question no. 16 to 21 each carries 5 marks.

Part A (70 marks): attempt all the 15 questions; questions 1 to 10 carry 3 marks each, questions 11 to 13 carry 6 marks each, question 14 carries 10 marks and question 15 carries 12 marks

1. When an accused can be discharged by a Magistrate? [3 marks]

2. When and how an accused who is not present before the Magistrate can be convicted in petty cases on plea of guilty? [3 marks]

3. What do you understand by "Local Jurisdiction"? [3 marks]

4. Whether the State Government can file appeal against the order of acquittal? [3 marks]

5. "X" holds "Y" down, and fraudulently without the consent of "Y" takes away his precious wrist watch and in order to commit this theft, "X" also voluntarily causes wrongful restraint to "Y". What offence "X" has committed? [3 marks]

6. To support a suit under Order 37 of the Code of Civil Procedure, "B" makes a false entry in his books of account. What offence under Indian Penal Code, 1860 he has committed? [3 marks]

7. What do you understand by "Counterfeit"? [3 marks]

8. What is a "Leading Question"? [3 marks]

9. What are the "Public Documents" as defined under Indian Evidence Act, 1872? [3 marks]

10. When the opinion as to electronic signature is relevant? [3 marks]

11. What are the contents of charge? What particulars as to time, place and person should be given in the charge? Can the Court alter a charge once framed? [6 marks]

12. What are special provisions in the Indian Evidence Act, 1872 regarding admissibility of electronic record? In what circumstances, information contained in electronic record can be accepted in evidence in the proceedings before a Court? Discuss with reference to relevant provisions. [6 marks]

13. What are the conditions enumerated in proviso to Exception-1 of Section 300 of the Indian Penal Code 1860, subject to which defence can be set up by accused that he lost power of self-control due to grave and sudden provocation given by victim? [6 marks]

14. Write a detailed note about the procedure given in the Code of Criminal Procedure, 1973 when investigation cannot be completed in 24 hours. [10 marks]

15. On Vijaypath, at about 09:30 AM of 15.09.2015, motorcycle of "R" had a collision with the car of "S". "S" gave a slap to "R" and also abused him. On being abused by "S", "R" under grave provocation picks up a sharp heavy iron blade lying on road and tries to cause head injury to "S", which could have caused death of "S". "S" any how escapes himself from the iron blade blow.
What offence "R" has committed? If "R" has committed any offence, frame a charge on basis of the given facts by treating yourself "P", Additional Sessions Judge, Pali. [12 marks]

Part B (30 marks): attempt all the 6 questions, each carrying 5 marks

16. Discuss the provision relating to "bail of juvenile" under Juvenile Justice (Care and Protection of Children) Act, 2000. [5 marks]

17. Discuss the provisions of Negotiable Instruments Act, 1881 relating to presumption in favour of holder, defence which may not be allowed in any prosecution under Section 138 and the offences by companies. [5 marks]

18. Describe the powers and procedure given under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 relating to removal of person likely to commit offence in any "Scheduled Area" or "Tribal Area". [5 marks]

19. Explain the provisions relating to following under General Rules (Criminal), 1980 :-
(each carries 2.5 marks)

(1) Process against Members of the Parliament and State Legislature.
(2) Order-sheet. [5 marks]

20. Who is a "child" in the Protection of Children from Sexual Offences Act 2012? Discuss the provisions relating to aggravated sexual assault given in this Act. [5 marks]

21. With reference to the Narcotic Drugs and Psychotropic Substances Act, 1985 write short note on following :-
(each carries 2.5 marks)
(1) Illicit traffic.
(2) Power of Court to release certain offenders on probation. [5 marks]

De Facto IAS