Rajasthan Civil Judge (Mains) 2016

Law Paper II · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 20 questions in four parts (A to D)

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 four parts 'A', 'B', 'C' and 'D'. The number of questions to be attempted and their marks are indicated in that part.

5. The answer of the questions in all four parts i.e. 'A', 'B', 'C' and 'D' 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. Questions No.1 to 8 carry 3 marks each, questions No.9 to 12 carry 5 marks each, questions No.13 to 17 carry 6 marks each, questions No.18 and 19 carry 8 marks each and question No.20 carries 10 marks.

Part A

Attempt all the 8 questions. Questions No.1 to 8 carry 3 marks each. [24 marks]

1. What do "heinous offences" mean under the Juvenile Justice (Care and Protection of Children Act, 2015? [3 marks]

2. Where a person aggrieved by any decision of Cyber Appellate Tribunal may file an appeal and what is the limitation for that is prescribed under the Information Technology Act, 2000? [3 marks]

3. How the amount ordered to be paid under sub-section (1) of Section 5 of the Probation of Offenders Act, 1958 may be recovered? [3 marks]

4. What does "monetary relief" mean under the Protection of Women from Domestic Violence Act, 2005? [3 marks]

5. According to General Rules (Criminal), 1980, to whom the Sessions Court, for the purpose of giving information, on its issuance, shall forward a copy of warrant for execution of death sentence? [3 marks]

6. A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. What offence A has committed under Indian Penal Code, 1860? [3 marks]

7. Who can be specified by the State Government as an exclusive Special Public Prosecutor for exclusive Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989? [3 marks]

8. When a Magistrate may conduct proceedings in camera under the Protection of Women from Domestic Violence Act, 2005? [3 marks]

Part B

Attempt all the 5 questions. Questions No.9 to 12 carry 5 marks each and question no. 13 carries 6 marks. [26 marks]

9. Discuss the provisions relating to rehabilitation and social reintegration of children under the Juvenile Justice (Care and Protection of Children) Act, 2015. [5 marks]

10. Describe the rights of victims and witnesses under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989? [5 marks]

11. Explain the offence of defamation described under Chapter XXI of the Indian Penal Code 1860. [5 marks]

12. What powers are available to a police officer for the purpose of investigation of an offence punishable under the Electricity Act, 2003? [5 marks]

13. Write note on following :- (each note carries three marks)
(1) Offences by companies under the Information Technology Act, 2000.
(2) Duties of probation officers under the Probation of Offenders Act, 1958. [6 marks]

Part C

Attempt all the 4 questions. Questions No.14 to 17 carry 6 marks each. [24 marks]

14. Answer both the following questions: (each question carries three marks)
(1) When an opinion as to electronic signature is relevant?
(2) "X" agrees in writing, to sell a car to "Y" for Rs.2,00,000/- or Rs.2,50,000/-. Whether on basis of this writing, evidence can be given to show which price is to be given? Support your answer by referring relevant provision of the Indian Evidence Act, 1872. [6 marks]

15. Discuss the provisions relating to admissibility of electronic records in evidence as per provisions of Indian Evidence Act, 1872. [6 marks]

16. Discuss the provisions relating to application for plea bargaining and guidelines for mutually satisfactory disposition under the Code of Criminal Procedure, 1973. [6 marks]

17. Write short note on the following: (each note carries three marks)
(1) Conditional order for removal of nuisance under The Code of Criminal Procedure, 1973.
(2) Sentence on offender already sentenced for another offence. [6 marks]

Part D

Attempt all the 3 questions. Questions No.18 and 19 carry 8 marks each and question no. 20 carries 10 marks. [26 marks]

18. Discuss the provisions relating to procedures for recording of statement of a child and medical examination of a child under the Protection of Children from Sexual Offences Act, 2012. [8 marks]

19. Write a note regarding involuntary subjection of a person to narco-analysis test, polygraph test and brain mapping test with special reference to the latest judgments of Supreme Court of India. [8 marks]

20. Sita Devi was married to Ramesh on 16.04.2006. Two children, Arpit and Pankaj, were born out of this wedlock in the years 2008 and 2012 respectively. Ramesh used to quarrel with Sita on trifle issues. Ramesh and his mother Kailashi Devi were not satisfied with the dowry given in the marriage. Ramkishan, father-in-law of Sita, however, protected her on several occasions and asked his own wife Kailashi Devi and son Ramesh not to harass and torture Sita for bringing inadequate dowry. Even then, Ramesh and Kailashi subjected Sita to cruelty and mal-treatment. Exasperated by circumstances, Sita committed suicide on 09.09.2015. Dashrath, father of deceased Sita, lodged a first information report against her husband, mother-in-law and father-in-law.
On basis of the FIR lodged by Dashrath, father of Sita, investigation was made and Smt. Kailashi, Shri Ramkishan and Shri Ramesh were charge-sheeted. The competent court took cognizance of the offence and the case was committed to the Court of Sessions. The Sessions Court framed the necessary charges against all the accused persons. The accused denied the charges and desired trial. During the course of trial, Krishan Kumar, Om Prakash and Smt. Radha (neighbours of the accused persons), Dashrath (father of the deceased), Vasundhara (mother of the deceased) and Kiran Kumari (sister of the deceased) were examined. All these witnesses stated about torture and harassment of deceased Sita by Ramesh and Smt. Kailashi for dowry. Nothing was said by these witnesses against Shri Ramkishan. The accused were afforded opportunity by the court to explain the circumstances appearing against them in prosecution evidence. Final order is passed by the court.
Write a judgment, briefly discussing as to for what offence the accused persons are charged and ultimately what order is passed, either of acquittal or of conviction, giving reasons therefor. [10 marks]