Rajasthan Civil Judge (Mains) 2017

Law Paper II · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 22 questions: Questions 1 to 10 carry 3 marks each, 11 to 15 carry 4 marks each, 16 and 17 carry 5 marks each, 18 and 19 carry 6 marks each, Question 20 carries 8 marks, 21 and 22 carry 10 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 No., Name, Address, Mobile No./Telephone No., Name of God etc. or any irrelevant word 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 number of questions and their marks are indicated in the "Question Paper-cum-Answer Book".

5. The answers of the questions 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 write the answers in the provided space. No Supplementary Answer Book shall be provided in any case.

7. Specify an option of language Hindi or English, by ticking in box of "Medium of Answer" on the flap and answer in the same opted language.

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 candidates will be liable for that.

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

Note: Attempt all questions. Marks of each question are mentioned against the question.

1. How and when a Magistrate of First Class can issue process in a private complaint. [3 marks]

2. 'F', wife of 'M', living in state of adultery. 'P', father of 'M', files a written complaint before Magistrate against 'F' under section 494 IPC.
Whether, criminal proceedings can be initiated against 'F'? Explain with reason. [3 marks]

3. A Court of Sessions, while convicting the accused for offence under section 325, 307 IPC, imposes a sentence of 10 years simple imprisonment and fine of Rs. 50,000/-, out of which Rs. 30,000/- to be given to injured-victim as compensation.
Briefly, examine the legality of the order for compensation, after applying relevant provisions of Cr.P.C. [3 marks]

4. Summarize, the "Power of a Judge" under section 165 Evidence Act. [3 marks]

5. 'Hari', prosecutes 'Kalu' for adultery with his wife 'Neelu'. 'Kalu' denies that 'Neelu' is wife of 'Hari'. The Court convicts 'Kalu' for the adultery. Afterwards, 'Neelu' is prosecuted for bigamy in marrying 'Kalu' during 'Hari's' lifetime. 'Neelu' says that she never married to 'Hari'. 'Hari' produced copy of judgment, wherein, 'Kalu' was convicted for adultery with 'Neelu'.
Whether, judgment in case of 'Kalu' is relevant against 'Neelu'? Explain in brief with relevant provision. [3 marks]

6. 'A', just for enjoyment and fun with labours working in his field, drives a tractor around them in rash and negligent manner. Next day he repeats the same act in same mood and manner. A labour get hit by the tractor and resultantly, dies.
Whether, 'A' has committed any offence on both the days? Explain with brief reasons. [3 marks]

7. 'Madan' married 'Geeta' as per Hindu rites and ceremonies in year 2001. Just after 9 months of marriage, they began to live separately in different towns due to rift. After 7 years, 'Geeta' married with an unmarried person 'Suresh', after disclosing all the facts to him. 'Madan', after knowing about the marriage of 'Geeta', also get married with a legally divorcee Hindu lady 'Babita', concealing the facts about his previous marriage.
State with brief reasons regarding criminal liability (if any) of Madan, Geeta, Suresh and Babita. [3 marks]

8. What is the definition of "Sexual Harassment", under the Protection of Children from Sexual Offences Act, 2012. [3 marks]

9. 'X', renowned builder in ordinary course of his business agreed to sale one flat to 'Y'. As 'Y' belongs to Schedule Caste, so next day he denies to sell, stating to 'Y' that, this would adversely affect the sale of remaining flats.
Whether, 'X' has committed any offence under The Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989? Support the answer with the provisions of relevant law. [3 marks]

10. "Abhishek", a member of schedule tribes abuses a lady "Kamali", a member of scheduled caste, by saying "Chamari", at the bus stand
What offence has been committed by "Abhishek" under The Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Briefly discuss with reasons. [3 marks]

11. 'A', filed a complaint before a Magistrate against 'B' for house trespass. During inquiry made by Court under section 202 of Cr.P.C., 'A' produced and examined 'C' as his witness. Afterwards, due to death of 'C' he could not be examined during the trial.
Whether, statement of 'C', recorded during inquiry is relevant as previous statement and can be used against 'B' in the trial? Explain in brief with reasons. [4 marks]

12. What are the salient features of the offence "Giving false evidence" and "Fabricating false evidence". Explain in brief. [4 marks]

13. Explain in short, the definition of "Domestic Violence" under the Protection of Women from Domestic Violence Act, 2005. [4 marks]

14. Write a short note on the provisions of Bail with regard to offence relating to commercial quantity of contraband, under Narcotic Drugs and Psychotropic Substances Act, 1985 [4 marks]

15. Whether, is it mandatory for Juvenile Justice Board to release the child-in-conflict with law on bail, alleged to have committed an offence? When and for which offences bail can be denied, explain rationally. [4 marks]

16. Discuss the provisions relating to recording of statement of a child by Police and a Magistrate, under Protection of Children from Sexual Offences Act, 2012. [5 marks]

17. Make a comparative discussion in brief, with regard to mode of recording of evidence and power to award sentence in summary trial cases, as embodied in provisions of Cr.P.C. and Negotiable Instruments Act, 1881. [5 marks]

18. Discuss in detail the provisions of Cr.P.C. with regard to contents of charge and the alteration and addition of charge, during the trial with consequence thereto. [6 marks]

19. 'A' gives a cheque of Rs. 10 lacks to 'B' on 01.01.2014, for the discharge of his debt, knowingly that sufficient fund is not in his bank account. Cheque returned by bank unpaid and 'A' is prosecuted by 'B' for offence u/s 138 Negotiable Instruments Act. But, after trial, 'A' is acquitted by court on 01.02.2018. Afterwards, on 05.02.2018, 'B' files another complaint before magistrate against 'A', u/s 420 IPC (cheating), for the same cheque.
Whether, plea of double jeopardy, as provided in section 300 Cr.P.C. can be taken by 'A'? Discuss elaborately with reasons and precedent. [6 marks]

20. What is "Dowry Death"? Explain the presumption provided under section 113-B of Evidence Act. When it can be invoked and what is it's effect on burden of proof. [8 marks]

21. 'R' is charged for voluntarily causing grievous hurt by using acid on 'Sunita'. During the trial following facts are established;
1. About 15 days prior to the incident, while 'Sunita' was going to college along with her friend 'Suman', 'R' proposed 'Sunita' to marry but she vehemently denied, as she was going to be marry with another person. 'R' threatened her.
2. On fateful day of incident, while 'Sunita' was going to market along with her friend 'Suman', a biker threw acid on her and fleed away.
3. Oral testimony as well as medical opinion reveals that 'Sunita' received injuries of facial disfiguration by the use of acid. No injury sign was found on the body of 'R'.
4. Except 'Sunita' and 'Suman', the other eye-witnesses did not support prosecution case.
5. A bottle with residuary of acid was recovered from the room of 'R'.
Write a reasoned judgment, keeping in mind the aspect of Compensation also. [10 marks]

22. Write a judgment on following facts:
A lady 'Meena' was waiting for a bus near Pali Railway Station. A boy, around 20 years age came on the motorcycle, snatched 'Meena's' gold chain of 50 gms and escaped before that lady could see his face. She lodged a report in the Police Station. On the next day, 'Ram Singh', aged about 21 years was arrested by police in connection with a similar offence. He gave information to the police, that the day before, he had snatched gold chain of a woman and sold it to a jeweler. He showed that shop to police. Police seized gold chain of 50 gms. and sale receipt. 'Meena' identified the gold chain. Police did further investigation and filed charge-sheet against 'Ram Singh'.
'Ram Singh' denied everything in his statement u/s 313 Cr.P.C and alleged that police has falsely implicated him and forcibly taken his statement, while he was in their custody. [10 marks]