Rajasthan Civil Judge (Mains) 2018

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 to 20 carry 6 marks each, 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 Booklet"; and not at any other place.

2. Do not write any mark of identity inside the "Question Paper-cum-Answer Booklet" (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 and he shall also be liable for penal action under the relevant law.

4. The question number and their marks are indicated in the "Question Paper-cum-Answer Booklet".

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 and Hindi versions, the English version is to be treated as standard.

9. In case the "Question Paper-cum-Answer Booklet" 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 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. Dinesh, a Hindu Indian citizen, whose wife and daughter reside in India, goes to Australia for business and after obtaining citizenship of Australia, marries an Australian woman. Whether Dinesh can be prosecuted for bigamy on return in India, by his first wife? Explain with relevant provisions of law. [3 marks]

2. Babli, the girl friend of Bunti, gifts her father's laptop to Bunti. Bunti knows that it is her father's laptop. Bunti, without trying to know, whether Babli's father has authorized her or not, takes away the above laptop.
Have, Babli and Bunty committed any offence? Explain with relevant provisions of law. [3 marks]

3. 15 years old Chintoo, on being failed in examination, became upset and frustrated by the admonition of his father, calls and takes advice from his maternal uncle Ganesh, who carries business in Bombay.

Ganesh asks Chintoo that "you come to me, I will make your life." On this, Chintoo, without telling his father, secretly, goes away to Bombay and starts living with Ganesh. Explain with reasons regarding criminal liability of Ganesh. [3 marks]

4. "A", who is on bail from High court in a trial for the offence of murder, remains absent without sufficient cause in the trial and does not appear even after issuance of proclamation of the court. What proceedings can be initiated against the accused by the trial court, in such situation? [3 marks]

5. A letter in the custody of a Postal Authority, is required to an officer-in charge of a police station, as an important piece of evidence during investigation of a serious case. The officer-in-charge of the concerned Police Station directs the Postal Authority to deliver him the above letter. Write a short note regarding the legality of such order. [3 marks]

6. In a trial, Ramesh is charged for the offence of Robbery. On completion of trial, no sufficient evidence is found to convict him for the offence of Robbery. However, there is sufficient evidence exist to prove the offence of theft beyond reasonable doubt. In such condition, what order can be passed by the court? Explain with support of relevant provision. [3 marks]

7. "A" requests "B" to loan him a sum of Rs. 10,000/-. "B" refuses, upon which, "A" stabs "B". In the trial of above offence, whether this fact is relevant that "earlier also in same manner "B" had deadly assaulted the persons who denied for lending money". Explain in brief, narrating the relevant provision. [3 marks]

8. During the investigation of a rape case, statement of a person is recorded under section 164 Cr.P.C. in the court by a Magistrate "M". During trial, prosecution produces "M" as a prosecution witness before the special court and asks him to disclose the procedure of recording of such statement. Whether "M" can be compelled to disclose the above procedure? Explain in the light of relevant provision of law. [3 marks]

9. "A" tells his wife "B" that "today, I have killed our daughter "C" by strangulation." Whether, "B" can be compelled to disclose above statement in A's prosecution for murder of "C"? Explain briefly in the light of relevant provision of law. [3 marks]

10. What is the meaning of "Economic Abuse", under The Protection of Women from Domestic Violence Act, 2005? [3 marks]

11. What procedure shall be adopted by an investigating officer of police station Chandigarh to examine a person residing in Dubai, as a witness? Explain, mentioning appropriate legal provision. [4 marks]

12. Whether an accused of non-bailable offence, can be released on bail by the officer-in-charge of a Police Station? Explain with relevant provision of law. [4 marks]

13. Describe the legal position in respect of variation of conditions of the bond executed under section 4 of the Probation of Offenders Act, 1959. [4 marks]

14. What steps shall be taken by the Juvenile Justice Board at the time of initiation of inquiry, to ensure fair and speedy inquiry of a child in conflict with law? [4 marks]

15. Ramesh is arrested by the police for the allegation of the murder of Mohan. He is taken to Doctor for medical examination. Doctor takes him in the cabin for examination and Police officer remains seated outside. Only Ramesh and Doctor are present inside the examination room. Ramesh tells the

Doctor that he has shot Mohan and in the like manner, year earlier also, he had shot Hari with the same revolver, which he has thrown into a canal.
Whether the above statement of Ramesh is admissible in evidence as confession? Discuss. [4 marks]

16. Distinguish the followings-
(A) Abetment and Criminal Conspiracy.
(B) Common Intention and Common Object.
(C) Summon Trial and Warrant Trial. [6 marks]

17. What is the provision relating to examination of an accused of rape by medical practitioner? Whether, such examination amounts to violation of legal right of not being compelled to be a witness against himself? Explain in the light of leading judgments of Hon'ble Supreme Court. [6 marks]

18. Explicate the followings-
(A) May presume.
(B) Shall presume.
(C) Conclusive proof. [6 marks]

19. To constitute an offence under Section 138 Negotiable Instruments Act, 1881, which are the mandatory conditions precedent of time limits and what are the provisions relating to interim compensation? Explain. [6 marks]

20. What is "culpable homicide"? When does it amount to murder and when doesn't? Explicate, comprehensively. [6 marks]

21. Ramlal Lohar is expert in making keys and Ravi is a Computer expert. In mid night of 26.04.2018, Iqbal, Harish, Jaggu and Jeetu pointed a country made pistol at Ramlal & Ravi and threatened them to come with them or else they would be killed. Both, under fear, go with them and as per direction of miscreants, Ravi deactivates the security system of Vikram Jewelers and Ramlal opens the lock. The miscreants remove and take away all the jewelry articles of Vikram Jewelers. Police starts investigation on the report of Vikram Soni, the owner of Vikram Jewelers; obtains Footage of CCTV installed at the show room, from the owner and pursuant to informations given by the four miscreants in police custody, jewelry taken away from Vikram Jewelers was recovered from their houses.
After completion of investigation, four miscreants are prosecuted for main offence and Ramlal & Ravi are prosecuted to active role to aid the above offence.
During trial, prosecution gets examined Vikram Soni to prove the facts as to the CCTV Footage, deactivation of the computer system and identification of jewelry etc. Besides, independent witnesses of seizure of jewelry, investigating officer and other important witnesses are also examined. All the witnesses support the prosecution story.
During examination of accused by court, all the four miscreants stated the case as false. Whereas, accused Ramlal and Ravi stated to commit the alleged act without any intention, due to fear of death. No witness is produced by any of the accused, in their defence.
Write a judgment by mentioning the relevant provisions of law. [10 marks]

22. On 30.06.2019 at 2 pm Anil, Madan and Suresh were returning from college on a Motorcycle. Suddenly, a car bearing number DJ-20-CA-1285 at great speed driven by Naeem Khan, came from the opposite direction and hit the Motor Cycle. Resultantly, both the pillion riders along with rider Madan singh fell down. The car driver ran away from the spot. Anil died on the spot and Madan got his left leg

fractured and Suresh got multiple abrasions. Police started investigation on the report of Suresh and after completion of investigation filed charge sheet against Naeem Khan in the competent court.
Apart from Suresh and Madan, the Medical Jurist Dr. Ravi, who conducted postmortem and examined the injured, Head Constable Karan Singh, who conducted mechanical Inspection of the car and motorcycle, investigating officer Dharmveer Sub-Inspector were examined as prosecution witnesses. All the witnesses supported the prosecution story.
Accused claimed himself to be innocent and alleged that he was not driving the car at the time of said accident and he had falsely been implicated by the police on the basis of mere suspicion.
Write a logical judgment on the basis of the given facts. [10 marks]

De Facto IAS