Rajasthan Civil Judge (Mains) 2021

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 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 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. Zahir Khan, SHO Kotwali, Jaipur arrested Harish in a murder case. On being produced before the Magistrate, he was remanded to police custody for 12 days. Zahir Khan did not provide food to Harish continuously for 04 days, as a result of which health of Harish started deteriorating. On 5th day, Superintendent of Police visited the police station and Harish complained about non-supply of food, consequently, Zahir Khan was suspended and immediately placed in police lines. Ashok Kumar was posted as SHO, who illegally omitted to supply food to Harish for next 04 days, resultantly, Harish dies of hunger. What offence Zahir Khan and Ashok committed? Explain with relevant provisions of law. [3 marks]

2. M/s. Ram Industries is having two directors i.e. Mr. Ram and the District Magistrate of that district. A complaint is filed for the offence punishable under section 138 of The Negotiable

Instruments Act, 1881. Discuss briefly about the liability of the District Magistrate being prosecuted in the capacity of director. [3 marks]

3. During the investigations of a first information report lodged u/s 420 IPC, investigating officer reached at conclusion that an offence punishable u/s 138 of The Negotiable Instruments Act, 1881 is also made out. He collected the cheque dated 13.10.2021, Memo of presentation of cheque for encashment dated 31.10.2021, Cheque dishonor memo dated 07.11.2021, Copy of notice dated 18.11.2021 issued by the complainant to the accused and postal receipt thereof. After completion of investigation charge sheet for the offences punishable under section 420 IPC and 138 of The Negotiable Instruments Act, 1881 is filed in the court on 10.12.2021. Whether Magistrate can proceed against the accused for the offence under section 138 of The Negotiable Instruments Act, 1881 also? Discuss. [3 marks]

4. State briefly about the disqualifications of a person for appointment as a member of Juvenile Justice Board. [3 marks]

5. Write a short note about the constitution of Internal Complaint Committee under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. [3 marks]

6. Explain in short the definition of "Sexual Harassment" under The Sexual Harassment Of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013. [3 marks]

7. What is the procedure to record the statement of victim by the police during the course of investigation in a case under The Protection of Children from Sexual Offence Act, 2012? [3 marks]

8. What offense is committed by husband if he indulges in sexual intercourse with his own wife, if age of the wife is below 18 years? Explain with relevant provisions and case law. [3 marks]

9. Ramesh and Sunita, though not married but are living under one roof as husband and wife. Ramesh committed domestic violence with Sunita. Whether Sunita can file a complaint against Ramesh under The Protection of Women from Domestic Violence Act, 2005? Explain in brief with relevant provisions of law. [3 marks]

10. 20 years & 6 months old Ramesh is convicted for an offence punishable under section 304 II of Indian Penal Code, 1860. Whether such accused has a right to be released on probation? Explain with the help of relevant provision and case law. [3 marks]

11. Akash and Bhushan commit robbery. Akash at the time of committing robbery threatened the victim with a pistol which he was carrying but did not fire. Both were convicted under section 392 and 397 IPC. Explain the legality of the judgement. [4 marks]

12. Whether the Magistrate is precluded to pass a sentence, in an application under section 125(3) of the Code of Criminal Procedure, beyond a period of 01 month in pursuance of execution warrant on a consolidated application made within 01 year from the date on which the amount become due? [4 marks]

13. [4 marks]
(a) "'Relevancy' and 'Admissibility' are not co-extensive terms". Explain.
(b) Explain "refreshing memory" of the witness with the help of relevant provision.

14. How many types of appeals are provided under The Juvenile Justice (Care & Protection of Children) Act, 2015? [4 marks]

15. What care the court should take to record the statement of victim in cases under the provisions of The Protection of Children from Sexual Offence Act, 2012? Explain with the relevant provisions of law and case law. [4 marks]

16. Define any three of the following - [6 marks]
a) Thug
b) Grievous Hurt
c) Trafficking of person
d) Extortion
e) Robbery

17. What shall be the effect of following defects in a criminal trial? Explain referring the relevant provisions of Code of Criminal Procedure, 1973 and case laws - [6 marks]
a. The Charge is defective.
b. Judgment of conviction and sentence delivered in the absence of accused.
c. Material Prosecution witnesses examined by the court without securing the presence of accused in the court.

18. Distinguish between the following - [6 marks]
a) Enquiry and Trial
b) Discharge and Acquittal
c) Summons Case and Warrant Case

19. What is a dying declaration? Explain fully the law in India relating to the admissibility in evidence of a dying declaration. Can a dying declaration form the sole basis of a conviction? Explain with relevant provisions and case law. [6 marks]

20. Explain any three in view of the definitions provided under The Juvenile Justice (Care & Protection of Children) Act, 2015 - [6 marks]
a) Best interest of child
b) Children court
c) Fit facility
d) Orphan
e) Surrendered child

21. Police Station Kotwali Alwar received information in the evening of 09.03.1992 that a truck RJ02 A 2233 had broken the forest department barrier and collided with a motorcycle. The receipt of this information (By means of telephonic conversation) alerted the police. Sub Inspector Radha Mohan along with others were stationed at vantage point, on the main road when the truck reached there. SI Radha Mohan signaled the truck to stop. It was being driven by the accused. Instead of applying brakes, the accused tried to speed away, upon which SI Radha Mohan tried to board the truck from its left side. Accused warned SI Radha Mohan not to do so and that he would be killed. Nevertheless, SI Radha Mohan boarded the truck. Immediately, the accused pushed him, as a result whereof SI Radha Mohan fell off the truck and was run over by its rear wheels and expired at the spot. Accused fled away with the truck. He was later caught and arrested.
Frame Charge and write a judgment. [10 marks]

22. On 26.05.2004, marriage function of the daughter of one Rama was going on in village Pipli. In the said marriage function Rama invited complainant Madhu Singh (PW 2) and his family members. In the afternoon between 3 to 4 pm, Sh. Mal Singh and Smt. Sajjan Bai, father and mother of the complainant went to the house of Rama as invitees. Madhu Singh was taking meal. At this juncture, accused Bonder, his sons accused Pappu and Munna reached there. They abused Mal Singh and ask him as to who had invited him. There was exchange of hot words and an altercation took place. Suddenly, Pappu dealt a lathi blow on the left side of the head of Mal Singh. Accused Munna also caused injury on left shoulder and left hand of Mal Singh. At that moment Madhu, Man Singh and Sajjan Bai, witnesses, rushed to save Sh. Mal Singh. Accused threatened these persons and escaped from the spot. Mal Singh was taken to the hospital where he succumbed to the injury on 27.05.2004. Accused were apprehended and produced before the court.
Frame Charge and write a judgment. [10 marks]

De Facto IAS