Rajasthan Civil Judge (Mains) 2024

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. What do you mean by commutation of sentence of death and imprisonment for life? Explain. [3 marks]

2. Anurag instigates Manveer to commit the murder of Savita. The offence is not committed. Whether Anurag has committed any offence? if so, what maximum punishment can be awarded to him? [3 marks]

3. Define briefly the procedure of arrest and duties of officer making arrest. [3 marks]

4. What is the summary procedure for trial for giving false evidence? [3 marks]

5. Manmohan prosecutes Nirmala for the theft of his car, wherein, Nirmala is convicted for the offence of theft. Later on, Manmohan files a suit for the possession of his car against Yogesh, to whom Nirmala

had sold that car. Make brief comments about the relevancy of the said judgement of the conviction of Nirmala, in the suit between Manmohan and Yogesh. [3 marks]

6. Explain briefly the time limits mentioned under Section 138 of the Negotiable Instruments Act, 1881. [3 marks]

7. Explain briefly the provision under the Probation of Offenders Act, 1958, regarding removal of disqualification attaching to conviction. [3 marks]

8. A publisher publishes a book "How to feed a child", wherein, nacked breast of a woman feeding milk to a child is shown. Whether such publication should be banned under the provisions of the Indecent Representation of Women (Prohibition) Act, 1986? Explain briefly with the help of relevant provisions of law. [3 marks]

9. According to the provisions of The Protection of Children From Sexual Offences Act, 2012, what is the "Presumption of culpable mental state"? [3 marks]

10. What action can be taken during the pendency of inquiry, on a written request made by the aggrieved woman under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013? Explain in brief. [3 marks]

11. When the right of private defence of body and property commence and up to when it continues? Explain briefly. [4 marks]

12. Explain briefly the procedure of alteration of allowances granted under section 125 of the Code of Criminal Procedure, 1973. [4 marks]

13. During the investigation of a murder case in Delhi, investigating officer come to know that the evidence of a Japanese citizen residing in Japan is very important in the matter. What is the procedure of recording of the evidence of that witness? Explain with relevant provisions of law. [4 marks]

14. What is the meaning of "Protection Orders" under the provisions of the Protection of Women from Domestic Violence Act, 2005? [4 marks]

15. "Under the Protection of Children from Sexual Offences Act, 2012, trial must be conducted in the open court and child must be so capable that during trial so as to talk to the accused by making an eye contact." Make a short note about the correctness of above statement, with the help of relevant provisions of law. [4 marks]

16. Every murder is culpable homicide but every culpable homicide is not murder. Explain. [6 marks]

17. Virendra is posted as station house officer of police station Civil Lines. His wife Rajwati is posted as clerk in electricity department. Both of them were not on talking terms and Rajwati started living with her parents in the same city and lodged First Information Report against Virendra under section 498A and 406 India Penal Code. Rajwati brought to police station Civil Lines after arresting for the offence of theft of Government property from her office. Virender committed sexual intercourse with Rajwati without her consent within the limits of the police station. Rajwati prosecuted Virendra for the offence of rape. With the help of relevant provisions of law, explain the criminal liability of Virendra. [6 marks]

18. When police may arrest without warrant? Explain. [6 marks]

19. "Prosecution has to prove its case beyond reasonable doubt." Explain the above statement in detail with the help of relevant provisions of law. What are the circumstances when such burden shifts upon

the accused? [6 marks]

20. Explain **any three** of the following keeping in view of the definitions provided under the Juvenile Justice (Care and Protection of Children) Act, 2015 - [6 marks]

A. Child in conflict with law
B. Aftercare
C. District Child Protection Unit
D. Group Foster Care
E. Place of Safety

21. One day, 16 years old Akashdeep along with his friends organize a liquor party in a bar up to 2 am. After getting drunk, at 2 am, he was going alone to his home by BMW car. Simran Kaur along with her 4-year-old son Montu was standing on the side of road near the tea stall of Shankar. Akashdeep while driving the car at a speed of 100 Km per hour struck against them. As a result of which, grievous hurts were caused to Simran Kaur and Montu died at the spot. First Information Report was lodged and after completion of investigation chargesheet was filed against Akashdeep. Charge framed and explained to Akashdeep, thereupon, he denied the charge and claimed trial. During trial prosecution produced eye witnesses Simran Kaur and Shankar and expert who conducted mechanical inspection of car, investigating officer, Station House Officer, Bar operator and the doctors who conducted medical of Simran Kaur and Postmortem of Montu, as witnesses. All the witnesses had supported the prosecution story.
Frame Charge and write a logical judgment. [10 marks]

22. An accused namely Sandeshpal was being taken by a police party from Ahmedabad to Agra by a Jeep for producing before the court. In Dausa district, Sandeshpal asked the police team for urinating. On this, Jeep was stopped and one constable Harish after handcuffing Sandeshpal alighted from Jeep for urinating. Suddenly, Sandeshpal gives a powerful punch at the abdomen of Harish and fled away with handcuffs. First Information Report was lodged at the police station. Sandeshpal was arrested and after completion of investigation, charge sheet was filed. During trial, all the members of police party, Investigating Officer, Station House Officer, witness of the arrest of Sandeshpal and doctor who conducted medical examination of Harish were produced as witnesses and all the witnesses had given positive evidence.
Frame Charge and write a logical judgment. [10 marks]