Telangana Civil Judge (Mains) 2019

Paper-II (Criminal Laws) · compulsory paper

HIGH COURT FOR THE STATE OF TELANGANA

Written Examination for Recruitment of Junior Civil Judges

Dated: 17th August, 2019

Time: 3 Hours, from 2:00 pm to 5:00 pm · Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all questions. Each question carries a total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.

2. Questions must be answered in English only. If the answers are not legible, such answers will not be evaluated.

3. Writ your hall ticket number only in the space provided in the first page on the main answer booklet. Do not either write your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.

4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.

5. No candidate will be permitted to leave the examination room/hall before 3:00 pm.

1. (a) Write a short note on "charge". What are the contents and particulars of the charge, and what is the effect of errors or omissions that occasion while framing a charge? (5 marks)

(b) State the difference between "Summary Trials" and "Warrant Trials". Explain the procedure to be followed in Summary Trials and Warrant Trials with reference to the relevant provisions of Criminal Procedure Code? (5 marks)

2. (a) What is the evidentiary value of the testimony of an approver? Can a conviction be based solely on the testimony of an approver? (3 marks)

(b) Who is a 'Chance Witness'? Who is a 'Stock Witness'? (3 marks)

(c) Write a brief note on the probative value of the following?

(i) Injured witness (2 marks)

(ii) Accomplice (2 marks)

3. Write a short note on the following: (2 marks each)

(i) Double Jeopardy

(ii) Rights of an arrested person

(iii) Difference between 'Examination-in-Chief' and 'Cross-examination'.

(iv) Distinguish between 'Wrongful Loss' and 'Wrongful Gain'.

(v) When can a person be arrayed as an additional accused under Section 319 Cr.P.C.?

4. (a) Define Domestic violence and Domestic relationship with reference to the specific provisions of Protection of Women from Domestic Violence Act, 2005? (5 marks)

(a) Explain the provisions regarding maintenance under the Code of Criminal Procedure. Who are entitled for maintenance? Is there any provision for enhancement of the maintenance (quote the relevant provision) and under what provision the awarded maintenance amount can be enforced? (5 marks)

5. Explain the following: (2 marks each)

(a) The difference between 'anticipatory bail' and 'regular bail'.(Write relevant Provisions)

(b) Victim compensation

(c) The power of the State Government under Section 432 and 433 of Cr.P.C.

(d) The difference between 'Bail bond' and 'surety bond'.

(e) Plea Bargaining.

6. (a) State briefly the difference between "Robbery" and 'Dacoity'? (4 marks)

(b) Distinguish between "Burden of Proof" and "Onus of Proof"? (3 marks)

(c) Distinguish between 'Dismissal of a Complaint', 'Discharge" and "Acquittal"? (3 marks)

7. (a) Which is the proper Court having territorial jurisdiction for filing a private complaint for an offence under Section 138 of the Negotiable Instruments Act? (4 marks)

(b) Define 'Juvenile'? Whether a person below the age of 18 years at the time of commission of the crime can claim the benefit of the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 at any stage of the proceedings? (3 marks)

(c) Define Dying Declaration and its evidentiary value. (3 marks)

8. (a) What is reformative theory of punishment? (3 marks)

(b) Distinguish between "Common Intention" and "Common Object"? (3 marks)

(c) Write a short note on the following:

(i) Presumption against the husband in a dowry death case (2 marks)

(ii) Voluntarily causing grievous hurt by use of acid (2 marks)

9. (a) Explain the procedure to be followed by a Magistrate while conducting Test Identification Parade of a suspect, with reference to the provisions of Criminal Rules of Practice and Circular Orders of the State? (5 marks)

(b) Narrate five exceptions to Section 300 of the Indian Penal Code. When does a culpable homicide not amount to murder? (5 marks)

10. (a) What is First Information Report (FIR)? State the procedure to be followed by a Police Officer after receiving the F.I.R. What is the evidentiary value of the FIR in a Criminal trial, and the effect of delay in lodging the F.I.R. (4 marks)

(b) Distinguish between "Criminal Breach of Trust" and "Criminal Misappropriation" (3 marks)

(c) Write a short note on right of private defence. (3 marks)