Telangana Civil Judge (Mains) 2020

Paper-II (Criminal Laws) · compulsory paper

Date: 3rd April, 2021

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) Whether a complaint for an offence under Section 138 of the Negotiable Instruments Act can be filed through Power of Attorney? If so, under what circumstances? Explain with relevant provisions. (2 ½ marks)
(b) Whether an offence under Section 138 of the Negotiable Instruments Act, 1881 be committed by a Company? If so, who is liable to be proceeded against and punished accordingly? Is there any exception to any class of persons? (2 ½ marks)
(c) 'A' filed a complaint under Section 200 of the Criminal Procedure Code for the offence under Section 138 of the Negotiable Instruments Act, 1881 against 'B' and his wife contending that both of them approached him for hand loan for which he has accepted and extended the said loan to them. 'B' issued a cheque signed by him alone. Wife of 'B' takes defence that she is not a signatory to the said cheque and therefore the said complaint is not maintainable against her - Decide. (5 marks)

2. (a) Narrate the offences against public tranquility. (5 marks)
(b) When does the right of private defence of the body extend to causing death? State when such a right extends to causing any harm, other than death. (5 marks)

3. (a) Write a short note with regard to Police Custody of an accused. (3 marks)
(b) Narrate the circumstances in which F.I.R is issued. What procedure Magistrate has to follow on receipt of the same? (3 marks)
(c) State the procedure, followed by a Magistrate to record the confessional statement of the accused. (4 marks)

4. (a) Dying declaration is an exception to hearsay evidence - Discuss its admissibility. (5 marks)
(b) Whether Section 27 is an exception to Sections 25 and 26 of the Indian Evidence Act. State the conditions necessary for applicability of Section 27, with reference to case laws. (5 marks)

5. (a) When can a person be arrested by a police officer and what are the rights of an arrested person? (5 marks)
(b) An accused on bail did not cooperate with trial court in concluding the trial and absconded. Explain the steps to be taken by the trial court to ensure the presence of the accused in concluding the trial. Support your answer with relevant provisions of law. (5 marks)

6. Distinguish between: (a) 'Rioting' and 'Affray'
(b) Criminal misappropriation and Criminal breach of trust
(c) Culpable homicide and murder
(d) Wrongful restraint and wrongful confinement (2 ½ marks each)

7. (a) 'A', a juvenile committed an offence along with 'B' who is not a juvenile. 'B' filed a petition seeking joint trial. Is it permissible under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015? Elaborate your answer with specific reference to Section 23 of the said Act. (5 marks)
(b) 'X' is a child of 'Y' who is an employee of 'Z'. 'Y' is staying with his family including 'X' in the free accommodation provided by 'Z'. Can 'Z' use 'X' for peddling? Discuss with specific reference to the Juvenile Justice (Care and Protection of Children) Act, 2015. (5 marks)

8. (a) When can bail be granted in case of a non-bailable offence? Can bail be granted subject to conditions? (3 marks)
(b) Under what circumstances can a Magistrate demand security for good behaviour? (2 marks)
(c) For every distinct offence, there shall be a separate charge and every such charge shall be tried separately. Explain the above statement. (5 marks)

9. Write exhaustive but brief notes on any Two of the following: (5 marks each)
a) Privileged communications.
b) Sexual harassment at work place.
c) Expert opinion

10. (a) Define 'Domestic Violence' as stipulated under Section 3 of the Protection of Women from Domestic Violence Act, 2005. (5 marks)
(b) Point out differences between trial procedure provided for warrant cases instituted on police report and that provided for cases instituted otherwise than on police report. Explain reasons for providing different procedures. (5 marks)