West Bengal Judicial Service (Mains) 2018

Criminal Procedure Code and Indian Penal Code · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer any five questions

1. (a) Discuss the power of Magistrates to sentence to imprisonment in default of fine. (b) State the rule as to sentence in case of conviction of several offences at one trial. (5+5)

2. (a) Is it necessary that an arrest to be made by a police officer must always be under a warrant? State the exception to this principle. (b) What is the procedure to be followed by him in case of such arrest? (4+6)

3. (a) What is public nuisance? When can the Magistrate pass an order for removal of nuisance or apprehended danger? (b) Under which circumstances can a Magistrate pass an order of injunction against the person against whom an order has been made under Section 133 of Cr.P.C.? (6+4)

4. (a) What is anticipatory bail? Which court can grant such bail? (b) X, having reason to believe that he may be arrested on an accusation of having committed the offence of voluntarily causing grievous hurt, makes an application for anticipatory bail. Will X be granted anticipatory bail? (6+4)

5. (a) When can the State Government or the Central Government direct the Public Prosecutor to present an appeal to the High Court against sentences on the ground of inadequacy? Can the High Court enhance the sentence and, if so, under what circumstances? (b) Does an appeal lie from an order of acquittal and, if so, to which court? (2½+2½+5)

6. Write short notes on any four of the following: (a) FIR; (b) Limitation for taking cognizance; (c) Plea bargain; (d) Joinder of charges; (e) Summary trial; (f) Proclaimed offender. (2½ × 4)

Group B: answer any five questions

7. (a) What are the acts against which there is no right of private defence of body and property? (b) A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming four children who are mingled with the mob. Does A commit any offence if by firing he harms any of the children? (7+3)

8. (a) Define abduction and point out the difference between kidnapping from India and kidnapping from lawful guardianship. (b) Write the difference between cheating and forgery. (5+5)

9. (a) Define extortion and distinguish between extortion and robbery. (b) When does theft become robbery? Explain with illustration. (5+5)

10. (a) What are the exceptions of Section 300 of the I.P.C.? Explain with judicial pronouncements. (b) Distinguish between culpable homicide and murder. (6+4)

11. (a) What are the essential ingredients to bring a charge under Section 304B, I.P.C.? (b) Compare Section 304B of the I.P.C. with Section 498A of the I.P.C. with special reference to cruelty. (3+7)

12. Write notes on any four of the following: (a) Mistake of fact; (b) Common intention; (c) Doli incapax; (d) Territorial and extra-territorial operation of the Code; (e) Waging war; (f) Offence of sedition. (2½ × 4)