West Bengal Judicial Service (Mains) 2019

Criminal Procedure Code and Indian Penal Code · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer any five questions

1. (a) Define 'complaint' and discuss the essential requirements of a valid complaint. (b) Distinguish between warrant and summons cases. ((2+4)+4=10)

2. (a) Discuss the different types of criminal courts in India with their jurisdictions and functions. (b) What is the legal provision relating to jurisdiction in the case of juveniles? (5+5=10)

3. (a) Discuss the issue of a warrant in lieu of, or in addition to, summons. (b) Explain the rights of an arrested person with reference to decided cases. (5+5=10)

4. (a) What is a search warrant? (b) Discuss the law relating to search by a public officer. (c) Discuss sections 53, 53A, 54 and 54A of the Code of Criminal Procedure and give your opinion. (2+4+4=10)

5. 'Prevention is better than cure.' With reference to this statement, examine the relevant provisions of the Code of Criminal Procedure relating to security for keeping the peace and for good behaviour. (10)

6. Explain the legal provisions relating to maintenance of wives, children and parents with reference to landmark cases and recent developments in India. (10)

Group B: answer any five questions

7. (a) Give a suitable definition of the term 'crime'. (b) Write the essential requirements of criminal liability. (c) Explain the maxim 'actus non facit reum nisi mens sit rea'. (3+3+4=10)

8. Distinguish between: (a) preparation and attempt; (b) section 34 and section 149 IPC; (c) section 299 and section 300 IPC; (d) criminal misappropriation of property and criminal breach of trust. (2½×4=10)

9. Write short notes on any four: (a) dacoity; (b) dishonestly; (c) grievous hurt; (d) defamation; (e) person; (f) bigamy. (2½×4=10)

10. Write on insanity as a defence under the Indian Penal Code with reference to the McNaghten Rules and landmark judicial decisions. (10)

11. (a) What do you mean by the 'right of private defence'? (b) When does the right of private defence of property extend to causing death? (c) What is the law relating to the commencement and continuance of the right of private defence of body and property? (2+4+4=10)

12. (a) Discuss the significance of sections 292 and 294 of the Indian Penal Code in the contemporary digital era. (b) 'A' threw acid on the face of 'B', a young girl. Under what section of the IPC can 'A' be convicted? Why? (5+5=10)