West Bengal Judicial Service (Mains) 2020

Criminal Procedure Code and Indian Penal Code · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer any five questions

1. "FIR & Investigation determine that a prima facie case exits against the accused or not" — Under what circumstances a Magistrate can make an order for investigation of an offence? What are the effects of delay in filing FIR? (10)

2. Write short notes on any four of the following: (a) Charge; (b) Warrant Cases; (c) Bail; (d) Acquittal; (e) Investigation; (f) Public Prosecutor (2½×4=10)

3. Discuss the procedure of trial of Warrant Cases. (10)

4. Distinguish between: (a) Bail and Anticipatory Bail; (b) Investigation and Trial (5×2=10)

5. (a) "Every offence shall ordinarily be inquired and tried by court within the local limits of whose jurisdiction it was committed" — Explain the statement with exceptions.
(b) Discuss the rights of an arrested person. (5+5=10)

6. (a) "Appeal is an important remedy for the person who gets dissatisfied from judgement, finding and orders of the trial court" — Justify and point out the differences between Appeal and Revision in criminal cases.
(b) Discuss the Powers of High Court to confirm death sentence. (6+4=10)

Group B: answer any five from the following

7. (a) Every person shall be liable to punishment under this code and not otherwise for every act or omission contrary to the provisions thereof, of which, he shall be guilty within India — Explain.
(b) Discuss and comment on the change in law relating to Section 497 in the light of the case law Joseph Shine V. Union of India, (2018). (5+5=10)

8. "Mental element of crime has no reference to motive" — In this context explain the importance of motive in affecting the liability in a crime distinguishing it with mens rea. (10)

9. Distinguish any two of the following: (a) Theft and Extortion; (b) Hurt over grievous hurt; (c) Misappropriation and Breach of Trust (5×2=10)

10. (a) Distinguish between culpable homicide and murder with illustrations.
(b) A, a medical practitioner, had administered a medical dose of sorbitol injection to a child, because of which the child died. The doctor contended that the child was peculiarly susceptible to the medicine and therefore unexpectedly succumbed to a dose which would have been harmless in case of a normal child. Discuss the liability of the doctor. (5+5=10)

11. (a) "Establishment of an overt act is not a requirement of law to allow Section 34 to operate in as much as the section gets attracted when a criminal act is done by common intention of all" — Explain.
(b) A, B, C, D and E all members of an unlawful assembly, decided to attack X, who was member of a rival political party. Each one of them was explained that the attack should not exceed to cause the death. While all of them went on one night to attack X, on reaching D and E found that Mr. X is the same person who has deprived them earlier of some rightful claim, hence they decided to take revenge

on him (X). While A, B and C attacked X by using hockey sticks, D and E had hidden pistol, they directly shot X dead. Can A, B, C, D and E be held guilty under Section 149 of IPC? Explain. (5+5=10)

12. Write notes on any four of the following: (a) Perjury; (b) Voyeurism; (c) Gang rape; (d) Criminal breach of trust; (e) Cheating by personation; (f) Mischief; (g) Criminal intimidation (2½×4=10)

De Facto IAS