

Mains Factory

Question No. 1

- (A) Define Digital rape. Is it punishable in India? Refer to relevant legal provisions, if any.
- (B) A instigates B to give false evidence. B doesn't give false evidence. Has A committed any offence? Discuss.
- (C) Explain and illustrate the following: "What is in writing shall only be proved by the writing".

Question No. 2

- (A) "The use of sedition is like giving a saw to the carpenter to chop a bit of wood and he uses it to cut the entire forest itself". Comment.
- (B) What is the evidentiary value of Confessional FIR?
- (C) "The burden to prove the guilt of the accused is on the prosecution and never shifts". Comment stating the exceptions, if any, to this rule.

???



Cr.P.C.

CODE OF CRIMINAL PROCEDURE

Time: 3 Hrs

M.M.:100

Instructions:

(1) All question is compulsory. Answer to all Questions must be given in language either in Hindi or in English.

(2) Writing of all answers must be clear and legible. If the writing of Answer book written by any candidate is not clear then the valuation of such answer book may not be done.

Q.1) What is Charge? State the particulars of the Charge. Can charge be altered? If so, when? What is the effect of defective charge?

Q.2) What is the role of a Public Prosecutor in a criminal trial. Under which circumstances can be withdraw from prosecution?

Q.3) Confessions made in police custody. Give short note.

Q.4) Can a Deputy Inspector General of Police exercises the power of a Station House Officer? If so, under what provision of law?

Q.5) Under what circumstances the public is bound to aid and assist the Magistrate and the police including giving information's of commission of certain offences under Section 39 of Cr.P.C.?

Q.6) Which cases are warrant cases?

Q.7) Whether the person who is arrested has a right to insist the presence of an advocate at the stage of police interrogation?

Q.8) What is the procedure to be followed in executing a warrant beyond the jurisdiction of Court which issued it?

Q.9) Discuss the provisions of the Criminal Procedure Code relating to attachment of property of a proclaimed offender.

Q.10) When can warrant be issued by a Court in lieu of summons? Can a Court take a bond for appearance of a person who is present in the Court? Discuss with reference to statutory provisions. Can a person who has filed a bond, be arrested? If so, under what circumstances?





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must withstand the test
Article 19(1)(a). Freedom of press means
There can be no relationship in the press.
articles or matters of public interest.
to exercise the right of the
the
however, restrictions can be imposed on the
but those restrictions must stand the test of
democratic organisation
In *Sennett Case* and *Union of*
India (1972), the Supreme Court
the freedom of the press embodies the right of the

Ques 1

* Rule of
Convenience
* maxim
vigilantibus
non
dormientibus
jura subvertunt

Sec. 21(1), of Code of Civil procedure provides that, no objection as to place of suing will be allowed by an appellate or revisional court unless following conditions are satisfied:

Court of first Instance

1. The objection was taken at first instance in court
2. It was taken at earliest possible opportunity and in cases where issues are settled at or before settlement of issues; and
3. There has been consequent failure of justice

Ques 2.

* provision
rising
Art. 16, 335,
338, 340,
341 & 342

Reservation of posts in government services is a broad and infamous subject. The basis of reservation was always to bring every class of people on equal footing majorly on financial and social aspects. (So the basis and limit of reservation should still be the financial status as discrimination on caste and class level has been decreased but financial gap has been increased from past recent years).

* Indira Sawhney case
* Balaji vs State of Mysore
9

Ques 3

No, a remand order cannot confer jurisdiction on the subordinate court when such court originally do not have such power. It is settled principle that no appellate court can confer jurisdiction on a subordinate court, however high appellate court may be as, jurisdiction of a court is determined by statute. In case of Venkatarma & Angathayammal it is held that

(i)

an appellate court remanding a case to an inferior court cannot confer jurisdiction on court if it inherently lacked the same.

Ques 4

A suit is of civil nature if the principal question therein relates to the determination of a civil right and its enforcement.

It is subject matter of suit which determines whether it is suit of civil nature or not.

In a suit in which right to property or to an office is contested whether it is of civil nature or not, what needs to be determined is whether it entirely depends on religious rites or ceremonies or not?

If its decision does not entirely depend on religious rites or ceremonies it is a suit of civil nature.

(i) Right to take out religious procession is a suit of civil nature

(ii) Right of Pandanashen lady to observe parda is a suit of civil nature

(iii) Right to franchise is a suit of civil nature

11/5
3

Ques 5

Doctrine of res judicata applies between co-defendant only if plaintiff claimed any relief and he cannot get his relief without trying and deciding a case between the co-defendants. However it has been stated that requisite conditions should be fulfilled to apply principle of res judicata as between defendants and that are:



5
10

According to sec-173(3) In case superior officer of police has been appointed under sec-158 and state government by order directs, then report shall be submitted through that officer. While orders of Magistrate are pending, such an officer may also direct officer in charge of police to make further investigation if required.

4 When the transfer of prop of owner w/c he is not the owner

(c) Doctrine of election with illustration. Section 35 of Transfer of Property Act discusses the doctrine of election. It states that when a person / transferor in same transaction confers benefit on owner of property and to transferee, the owner is put to election either to accept benefit of transfer or refuse it.

Its essentials are - that transfer should be in same transaction

- Benefit & burden must come from same transaction.
- benefit is directly given to owner

For example, ashwini proposes to transfer property of Rohan ~~and~~ ^{to} Divyansh and gives 10,000 to ~~husband~~ ^{wife} of Rohan. This is not case of direct benefit to Rohan thus Rohan has no duty to elect.

As stated benefit and transfer must be inseparable and interdependent



Remarks:-



- ① Answer not in Answer format rather on notes format.
- ② Don't copy things from Internet.
The Answer on Internal & External aid was exact copy.
- ③ Missed out on lot of Questions.
- ④ Next time copies won't be evaluated if they are not in Answer format.
- ⑤ Always mention the Section no. on top & not at last.





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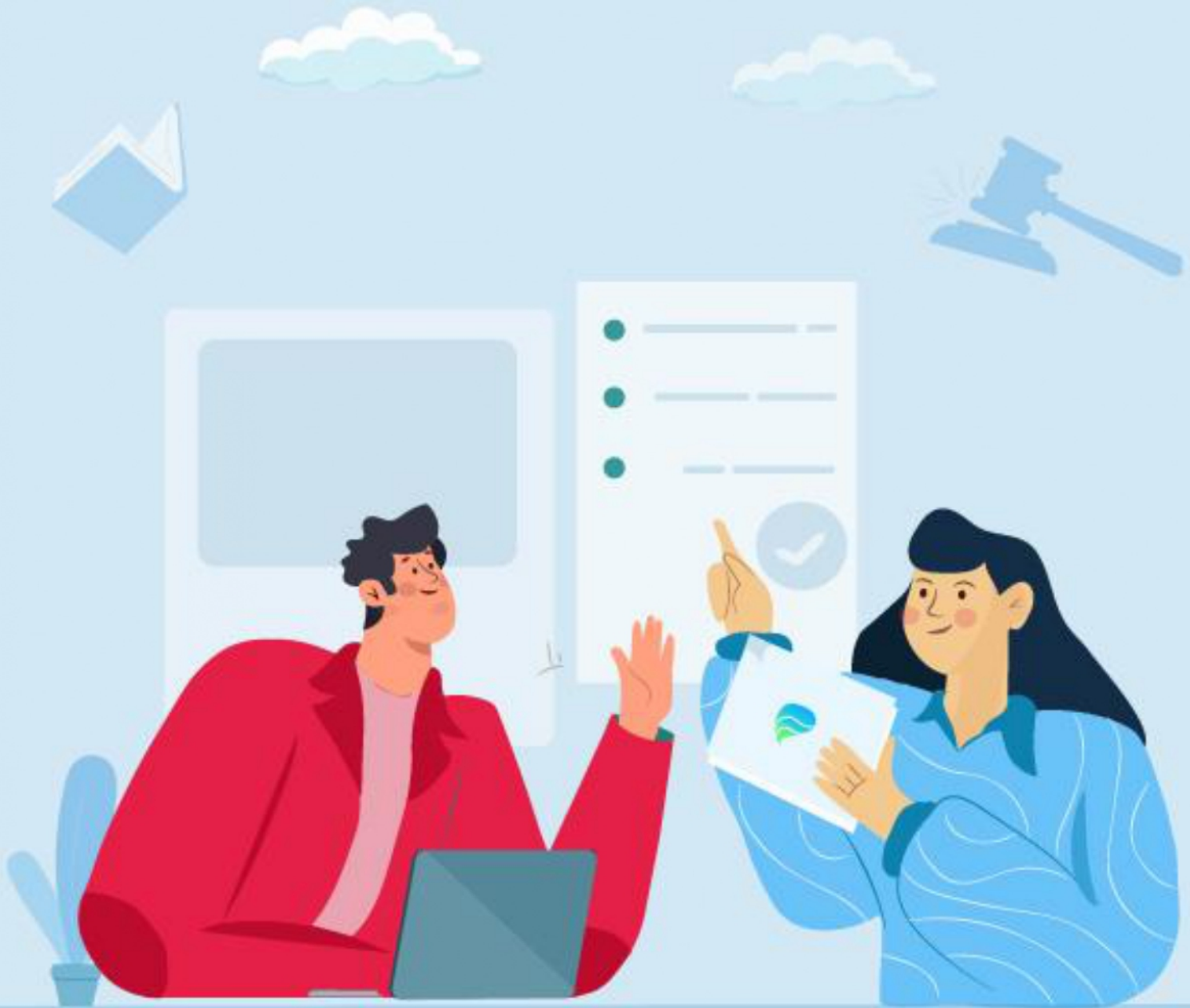


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