

**Departmental Examination for Govt. officers/ officials
Tehsildars/ Naib- Tehsildars
July-August, 2006**

Paper No.-5 Criminal Law & Procedure.

Time Allowed:3 Hours.

Max. Marks: 100

Note:- 1 All questions carry equal marks.

- 2. Attempt five questions in all taking at least one question from each part. The answer should be supported by reasons by quoting relevant provisions Of law.**
- 3. Only bare acts of Cr.P.C. , IPC and Indian Evidence Act are allowed to be consulted. No Book having short notes is allowed.**

PART-I

Q.No.1 What do you understand by the following terms:-

- i) Dishonestly.
- ii) Criminal conspiracy.
- iii) Assault
- iv) Criminal Misappropriation.
- v) Cheating.
- vi) Right of private Defence
- vii) Abetment
- viii) Counterfeit
- ix) Common Intention
- x) Forgery.

(20)

Q.No.2. Define and distinguish culpable homicide not amounting to murder and murder.

(20)

Q.No.3 What offence (s) have been committed in each of the following:

- a) A, revenue officer is entrusted with public money and is either directed by law, or bound by a contract , express or implied, with the government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriate the money.
- b) A is lawfully arrested by Z, a bailiff. A is provoked to sudden and violent violent passion by the arrest, and kills Z.
- c) A makes false entry in his shop book for the purpose of using it as corroborative evidence in a court of justice.
- d) A, offers a bribe t B, a public servant, as a reward for showing, A , some favour in the exercise of B's officials functions. B reuses to accept the bribe.

(4x5) 20

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PART-II

Q.No.4 (a) Which is extra judicial confession? Discuss it evidentiary value. (10)

- (b) Illustrate the circumstances under which the facts not otherwise relevant becomes relevant. (5)
- © Distinguish between “ relevant facts” and “facts in issue” (5)

Q.No.5 (a) How would you probe a documents:

- i) Required by law to be attested. (5)
- ii) Not required by law to be attested. (5)
- (b) During examination of witness, when can leading questions be allowed to be asked? (5)
- © “A” Sues “b” for Rs. 100/- and shows entries in his account book showing B to be indebted to him to for this amount. Are the entries (I) relevant and (II) sufficient to prove the case of “A” (5)

Q.No.6. (a) Describe Dying Declaration in which cases/ statement of relevant fact by a Person who is dead is relevant? (10)

(b) What is admission? How is it different form confession? (10)

PART-III

Q.No.-7 (i) What is the effect of the local inspection having been conducted by a judge Or magistrate during trial? (10)

(ii) Whether any person accused of an offence can be called as a witness? If so by whom and at whose instance? (5)

(iii) Discuss the powers of the Court to Summon material witness, or examine persons present. (5)

Q.No.8 Write short notes on any four of the following:

- i) What is first information report?
- ii) Enquiry;
- iii) Tender of pardon to accomplice;
- iv) Cognizable
- v) Local jurisdiction;
- vi) Investigation. (4 x 5 =20)

Q.No.9 Write a note on the Powers, functions and jurisdictions of the Executive Magistrates. (20)
