

**H.P.BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR IAS/ HAS OFFICERS OF
HIMACHAL PRADESH SESSION, MAY- JUNE, 2009**

PAPER-1 (CRIMINAL LAW AND PROCEDURE)

Time Allowed:-3 Hours.

Maximum Marks: 100

**Note:- 1. Attempt any five questions.
2. All questions carry equal marks.**

Q.No.1 Define the following:-

- a) 1) Document
2. Valuable security
3. Wrongful gain & wrongful loss
4. Public Servant
5. Common intention **(10 Marks)**
- b) What is cheating? "A", falsely pretending to be in the Civil Service Intentionally deceives 'B' and thus dishonestly induces "B" to let him on Credit goods for which he does not mean to pay., Whether "A" has committed the offence of cheating or not? Explain briefly? **(10 Marks)**

Q.No.2 a) When a person is said to make a false document to constitute the offence of Forgery. Describe briefly? "A" signs his own name to a bill of Exchange, Intending that it may be believed that the Bill was drawn by another person of The same name. Whether "A" has committed offence of Forgery or not? **(10 Marks)**

- b) Define and explain.
 - 1) Distinguishes between legal insanity and medical insanity **(5 Marks)**
 - 2) A Government officer removes a file to his room, makes it available to an Outsider and then return it after three days. Has he committed theft? **(5 Marks)**

Q.No.3 Answer the following:-

- a) Actus non facit reum, nisi mens sit rea (the intent and act must both concur to Concur to constitute the crime). Explain.
- b) An Indian citizen commit a murder in a foreign country and escapes. Can an FIR be registered in India can he be tried in India?
- c) A child of 6 years commits a theft, can he be tried under the Indian Penal Code?
- d) What are the ingredients of kidnapping under IPC. Can a thirty year old Woman kidnapped? **(5 x 4= 20Marks)**

P.T.O.

Q.No.4 a) State briefly the circumstances under which the bail can be granted or refused
In case of non- bailable offences? **(10 Marks)**

b) Write short notes on any two of the following:-

- (1) Registration of F.I.R. on the commission of cognizable offences,
- (2) Compounding of offences
- (3) Public Nuisance
- (4) Investigation

(10 Marks)

Q.No.5 a) Describe the nature of information upon which a Magistrate may act to
Prevents breach of peace and disturbance of public tranquility?

b) Write down the conditional order for removal of a building which is likely to
And thereby cause injury to person living in the neighborhood?

(10 x 2= 20 Marks)

Q.No.6 a) What are the powers of Executive Magistrate in dealing with a dispute
Concerning immovable property when dispute is likely to cause breach of
Peace?

b) What is compoundable offence? What is the legal effect of composition? State
difference between composition and Withdrawal?

(10 x 2= 20 Marks)

Q.No.7 What is the difference between:-

- (a) Public document and Private document.
- (b) Relevant fact and fact in issue.
- © Admission and confession.
- (d) Proved, disproved and not proved.

(4 x 5= 20 Marks)

Q.No.8 a) What do you mean by extra judicial confession? Discuss its evidentiary value.

b) How much of the information received from accused can be proved under
section 27 of the Indian Evidence Act?

(10 x 2= 20 Marks)

Q.No.9 a) what do you mean by Judicial Notice? What are the facts of which the courts
Must take judicial notice?

b) What are the conditions to be fulfilled before a document pertaining to an entry
in public record made in performance of duty can become admissible under the
law?

(10 x 2= 20 Marks)