

**H.P.BOARD OF DEPARTMENTAL EXAMINATION  
DEPARTMENTAL EXAMINATION FOR TEHSILDARS/ NAIB- TEHSILDARS  
OF HIMACHAL PRADESH SESSION, MAY- JUNE, 2009**

**PAPER-5     (CRIMINAL LAW AND PROCEDURE)**

**Time Allowed:3 Hours.**

**Maximum Marks: 100**

**Note:- 1. Attempt any five questions in all taking at least one from each part.**

**2. All questions carry equal marks.**

**3. Only bare Acts of IPC, Cr.P.C. and Indian Evidence Act are allowed to be Consulted. No book having short notes is allowed.**

- Q.No.1 a) What are the essential ingredients to constitutes the offence of cheating Explain? Under which section of law the offence of Criminal misappropriation By public servant is punished. **(10 marks)**
- b) What is forgery? State the punishment prescribed under IPC using a forged documents as genuine? **(7 marks)**
- c) Under which Section a person can be punished who dishonestly receive or Retain stolen property, describe the punishment also? **(3 marks)**
- Q.No.2 a) What constitutes grievous hurt under the IPC explain in detail? Distinguish Between simple hurt and grievous hurt? **(7 marks)**
- b) Distinguish between affray and rioting? **(3 marks)**
- c) What is dowry death under the IPC explain? **(8 marks)**
- d) Under which Section of law the abatement of suicide is punished and what is Punishment prescribed? **(2 marks)**

**PART-B**

- Q.No.3 a) Under which circumstances a search warrant is issued, can a search warrant for A person wrongfully confined be issued by a magistrate? **(10 marks)**
- b) How the search of closed premises can be effected, what is the necessary precautions to be taken at that time? **(10 marks)**
- Q.No.4 a) What procedure is adopted in a summary trial, explain? Whether appeal lies if A fine not exceeding Rs.200?- is passed in a summary trial? **(10 marks)**
- b) Distinguish between summons case and warrant case? **(5 marks)**
- c) Whether Police can arrest any person on refusal to give name and residence? **(5 marks)**
- Q.No.5 Write short notes on the following:-
- a) Investigation and inquiry as per Cr.P.C. **(4 marks)**
- b) Discharge & acquittal. **(4 marks)**
- c) Compoundable and non- compoundable offences. **(4 marks)**
- d) Whether Executive Magistrate can ask to execute a bound under the preventive Section to maintain peace and tranquility in the area until the conclusion of inquiry? **(4 marks)**
- e) Under which Section an Executive Magistrate has power to reject surety in a proceeding under the preventive sections. What is the procedure to be adopted? **(4 marks)**

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- Q.No.6 a) What is an FIR and under which Section of Cr.P.C. the information is recorded Police. Give briefly its evidentiary value? **(10 marks)**  
b) Describe in detail the procedure where dispute concerning land or water is likely to cause breach of peace? **(10 marks)**

**PART-C**

- Q.No.7 a) What do you mean by burden of proof? On whom does the burden of proof lies Lies as to a particular facts? **(10 marks)**  
b) Can Court may presume existence of certain facts comment briefly? **(5 marks)**  
c) Under which section of evidence Act, Court can presume the commission of offence of dowry death? Discuss. **(5 marks)**

- Q.No.8 a) What are the Public document? Distinguish between public document and Private document? **(10 marks)**  
b) How the official documents are proved in the court of law describe in detail? **(10 marks)**

- Q.No.9 Write short note on the following:-  
a) Judicial Confession. **(4 marks)**  
b) Extra Judicial Confession **(4 marks)**  
c) Re- examination. **(4 marks)**  
d) Cross- examination. **(4 marks)**  
e) Examination in Chief. **(4 marks)**

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