

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

**PAER-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.  
The answer should be supported with reasons by quoting relevant Provisions of law.**
- 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.**
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**PART-I**

- Q.No.1 a) What are essential requirements to constitute the offence of theft? Explain Briefly? **(5 Marks)**
- b) What is extortion, discussed briefly? **(5 Marks)**
- c) What do you understand by Criminal Tres Pass explain? **(5 Marks)**
- d) Distinguish between robbery and dacoity? **(5 Marks)**
- Q.No.2 a) Define an unlawful assembly when does a lawful assembly becomes unlawful. **(10 Marks)**
- b) Distinguish between rioting & affray? **(5 Marks)**
- c) Distinguish between common intentin and mensrea to commit an offence? **(5 Marks)**
- Q.No.3 a) What is dowry death explain, in detail with reference to punishment prescribed For this offence? **(10 Marks)**
- b) Explain the provisions made in Indian Penal Code with regard to culpable homicide not amounting to murder and causing death by negligence? **(10 Marks)**

**PART-B**

- Q.No.4 a) What is an First Information Report under which section of Cr.P.C. the Information is recorded by Police? Give briefly its evidentiary value also? **(10 Marks)**
- b) Distinguish between summon case warrant case? **(5 Marks)**
- c) Explain investigation and Inquiry as laid down in Criminal Procedure Code? **(5 Marks)**
- Q.No.5 a) What do you understand by confession, discuss with reference to Cr.P.C. and Evidence Act, explain? **(10 marks)**
- b) Can a Police Officer arrest without warrant and what are rights available to accused persons? **(10 Marks)**

Q.No.6 Write short notes on the following:-

- a) Trial of Summon case and trail of Warrant case provided under Cr.P.C. (5 Marks)
- b) Death in Policy custody? (5 Marks)
- c) What contents are required in a notice issued Section 111 Cr.P.C. by Executive Magistrate in a proceeding under Section 107/ 150 Cr.P.C.? (5 Marks)
- d) What should constitute in a final report prepared by Police under Section 173 Cr.P.C. after completing investigation? (5 Marks)

**PART-C**

Q.No.7 a) What is difference between Primary evidence and Secondary evidence, Explain? (10 Marks)

b) How and when are opinion of third person relevant in a trial? (10 Marks)

Q.No.8 Write short note:-

- a) Dying declaration? (10 Marks)
- b) Hostile Witnesses and its evidentiary value? (10 Marks)

Q.No.9 What do you understand by the following:-

- a) Extra judicial confession and its evidentiary value? (5 Marks)
- b) Burden of proof? (5 Marks)
- c) Examination- in- Chief and Cross- examination? (5 Marks)
- d) Hearsay evidence and expert evidence? (5 Marks)

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