**Punjab Civil Service Examination 2012**

**Judicial Branch**

**Criminal Law Paper – III**

**Time: Three Hours Maximum Marks : 200**

**Notes:**

1. **Candidates are required to attempt all questions in the same seriatum as they appear.**
2. **Marks are indicated against each question.**
3. **Support your answers with relevant provisions and case law.**
4. **No extra Answer Sheet will be provided.**

Q.1. Decide which offence, if any, l is made out in the following cases and whom with reasons. Specify the provisions of statute.

1. Narendra, servant of Bhaskar, a liquor contractor was entrusted with liquor to sell. For selling he was to receive some amount and some quantity of liquor and he was to account for the remainder to Bhaskar, with whom he had a legal contract which also recited that he would not adulterate it with water before selling it. In violation of the contract, Narendra mixed water with liquor and sold the increased quantity and appropriated the profits thus made to his own use. What offence has Narendra committed?
2. Rajeev had three sons – Vishwamitra, Kiran and Pradeep. His will stated that – “I direct that all my remaining property be equally divided between my three sons”. Rajeev gave the will to Vishwamitra and asked him to hand it over to the family’s lawyer. Before giving the same to the lawyer, Vishwamitra obliterated Pradeep’s name, intending that it may be believed that the property was left to himself and Kiran only.
3. Narayan and Arjun were friends, who were staying together in on apartment in Chandigarh. One day, Narayan went out of town, informing Arjun that he would return in a week’s time. Three days after Narayan had left, Arjun heard someone entering the house at around midnight. Thinking that it was thief, Arjun attacked the person with a chair. The man was actually Narayan, who had cut short his trip and was entering the house quietly, so that he would not disturb Arjun.
4. Ranga Gopal dishonestly induced Madhuri to go through marriage ceremony with him, professing himself to be a bachelor while in fact he had a wife living.

Q.2.

1. “Crime is a revolt against the whole society and an attack on the civilization of day”. Elucidate and discuss the essential elements of crime.
2. Describe the scope of various stages in the commission of a crime. Is there any offence in the Indian Penal Code, which is punishable at all stage?
3. A and B successively and independently wounded C with murderous intent. C dies from the loss of blood caused by both wounds together, when he would not have died from either alone. Discuss the criminal liability of A and B.
4. Discuss the law relating to “Rape” as laid down in the Indian Penal Code. Also point out the deficiency in the Rape laws in India.

Q.3. Referring to statutory provisions, discuss the validity of following:

1. Where investigation cannot be completed within 24 hours, the police officer produces the accused before the Executive Magistrate upon whom the power of the Judicial Magistrate has been conferred. Such Magistrate remands the accused to 10 days police custody.
2. A Magistrate in a summary trial proceeding on conviction passes sentence order for 4 months imprisonment.
3. A person arrested of accusation of ‘bailable offence’ is not released on bail by the police officer though the person is ready to furnish bail.
4. For complaint against the accused without reasonable cause, the Magistrate orders payment of compensation in favour of the accused. For default in payment of compensation, passes an order of sentence for 60 days imprisonment.
5. Where accused desires to plead guilty, Magistrate issues a special summon specifying rupees one hundred fifty as fine.

Q.4.

1. What is the effect of non-appearance of death of complainant in a trial of summons cases by Magistrate?
2. Narrate in brief the principles regarding grant of bail in criminal cases. Can a bail be claimed as a matter of right? Under what circumstances a bail can be cancelled? Illustrate your answer.
3. 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?
4. ‘M’ files a complaint before the Chief Judicial Magistrate alleging that ‘G’ has committed offences under sections 406 and 420 IPC. CJM took cognizance of the offence and issued process to the accused. The accused entered appearance. The complainant was absent on consecutive posting dates. Finally the case was posted to a specific date for the appearance of the complainant. On that day, an application for adjournment was moved on his behalf. The Magistrate, after holding that the complainant has been trying to delay the proceedings and protract the case and that the complaint does not constitute the ingredients necessary for offences punishable under Sections 406 I.P.C., discharged the accused under Section 245(2) the Code of Criminal Procedure.

Critically analyze the correctness of the order of discharge of the accused passed by the Chief Judicial Magistrate and suggest what alternative procedure could have been adopted by the CJM while proceeding with the criminal complaint made by ‘M’?

Q.5.

1. When the evidence of an expert would be admissible? What is the difference between an expert and an ordinary witness? Discuss fully and illustrate your answer.
2. Will the following expert evidences be admitted; if so, give reasons and cite relevant cases?
3. Evidence of an architect as to the depreciation of property by nuisance.
4. Opinion of an expert on the construction of the document.
5. Official Communication has been kept in privileged category on the principle of salus populi suprema lex. Explain.
6. ‘A’ who was hit by bullet stated in the hospital in the presence of a Magistrate that ‘B’ had fired at him but ‘A’ did not die of his injury. Is the statement of ‘A’ made in the presence of the Magistrate admissible in evidence against ‘B’, can it be of any other use?