

2007

Paper - I

CRIMINAL PROCEDURE CODE 1973, INDIAN EVIDENCE ACT 1872 etc.

Time : 3 hours

Maximum Marks : 100

- Note :
- (i) All questions are compulsory.
 - (ii) Question No. 1 carries 20 marks. All other question carry equal marks i.e 16 marks each.
 - (iii) Your answers must be to the point and wherever possible quoting the specific provisions of law will be appreciated.
 - (iv) Do not reproduce any question. Write only questions number against the answer.
 - (v) "Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised".

1. Prepare Appeal Proposal on the following facts :

20

Facts : Complainant and accused are residing in the same village at Ambegaon. Their agricultural lands are adjoining to each other in the same village. There is dispute between them due to boundary line of the land. Hence many times quarrel and abuses took place between them.

On 10/08/05 at about 8 A.M complainant was going to his land for cultivation. At that time accused No. 1 to 4 came there. Accused No. 1 possesses stick with him. Accused No. 2 possesses iron rod with him. Accused No. 3 possesses sword with him and accused No. 4 possesses hockey stick with him. They all gathered there and restrained to the complainant. Accused No. 1 told him that your cattle came in their land and they destroyed their crop worth Rs. 5000/-. Hence accused were demanding to pay their said loss. At that time all the accused were abusing and threatening to the complainant. The complainant told them that his cattle had not gone to the land of accused, hence question to pay the loss does not arise so accused got annoyed. At that time accused No. 1 hits the stroke with his stick on the head of the complainant. The bleeding injury was sustained to him. So his shirt stained with blood. So the complainant shouted loudly. After hearing the shout of complainant, his wife Mansi and his two

P.T.O.

sons namely Ram and Laxman ran away on the spot. At that time accused No. 1 to 4 abused to the Mansi, Ram and Laxman and complainant. Accused No. 1 hits blow of stick to Mansi on her right hand. Accused No. 2 hits blow of iron bar to Ram on his left leg. Accused No. 3 hits blow of sword on his left hand. So bleeding injury was sustained and his cloth were also stained with blood. Accused No. 4 hits blow of hockey stick on right leg of Laxman. So his right leg was fractured. At that time the villagers came there and they rescued the quarrel, and they admitted the complainant and injured to the civil hospital. Ram and Laxman were admitted in the hospital. After medical examination, complainant and his wife were discharged from the hospital. So complainant went to the police station and lodged the complaint against all the accused. The complaint was registered in Police Station by their C.R. No. 10/85 u/s 324, 326, 504, 506, 34 I.P.C.

Prosecution has examined total 7 witness in the case. The complainant had deposed before the court as per the complaint. But in the cross examination he was unable to told how many days Ram and Laxman were admitted in the hospital.

Wife of Mansi corroborated the prosecution case. But she unable to identify the clothes which were blood stained.

Prosecution had examined panch within the deposed that the complaint produced blood stained clothes before police and they were seised under panchanama before us. But the panch are unable to depose on what date and time it was seised.

Prosecution has examine one villager named Ganpat. He supported the prosecution case. But in cross examination he was unable to say as to who caused injury to the complainant.

Medical officer had supported the prosecution case. But prosection fails to examine I.O.

After hearing prosecution and defence council, the learned J.M.F.C. Ambegaon pledged to acquitte to all the accused. The judgment was delivered 1 month back.

2. Write short notes on *any four* of following :

- (a) Enquiry in suicidal death.
- (b) First Information Report.
- (c) Confessional Statement.
- (d) Preventive Action of Police about commission of cognizable offence.
- (e) Containts of charge.

3. (a) When Police can arrest the person without warrant ? Under which section of Cr. P.C. these powers are given. Explain these provisions. **16**
- (b) Discuss under which section of Cr. P.C. the court has given the power to secure presence of the accused in the court.
4. Answer *any four* of the following : **16**
- (a) Describe various classes of criminal courts and their power.
- (b) Difference between cognizable offence and non-cognizable offence.
- (c) Difference between bailable offence and non-bailable offence.
- (d) Difference between summons case and warrant case.
- (e) Difference between State Case and Private Case.
5. Answer *any four* of the following : **16**
- (a) Facts which need not be proved.
- (b) Primary and Secondary evidence.
- (c) Doctrine of Estoppel.
- (d) Identification Parade.
- (e) Statement before Police when admissible.
6. What is dying declaration ? What precautions should be taken while recording the dying declaration ? **16**