

सहायक सरकारी अभियोक्त्या, ११ टा अ चाळणी परीक्षा
परीक्षा दि. ११ सप्टेंबर, २०२२

V15

2022

PAPER - I

18150

Criminal Procedure Code and Indian Evidence Act, Appeal and Revision Proposal

Time : 3 Hours

Max. Marks : 100

Note :

- (1) *Answers must be written in English only.*
- (2) *All questions are compulsory.*
- (3) *Question No. 1 Carries 20 marks.*
Question No. 2 Carries 18 marks.
Question No. 3 and 4 Carry 16 marks each.
Question No. 5 and 6 carry 15 marks each.
- (4) *Your answer must be to the point and wherever possible quoting the specific provisions of law.*
- (5) *Do not reproduce any question. Write only question's number against the answer.*
- (6) *Wherever option has been given only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.*
- (7) *Candidate should not write their roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book which may tend to disclose identify. If found so, he/she will be penalized.*
- (8) *Candidates are expected to answer all the sub questions of a question together. If sub question of a question is attempted elsewhere (after leaving a few pages or after attempting another question) the later sub question shall be overlooked.*
- (9) *Marks to each question are indicated by a figure in the margin on the right hand side.*

P.T.O.

SEAL

1. Draft Appeal or Revision against judgment/order of J.M.F.C/Metropolitan Magistrate and how it is in limitation. 20

Facts of the case :

The informant / victim (pw₁) serving in a company by name 'Self Designer', she knows accused Sunil, since last three years as they are serving in same company and having friendly relations with each other.

On 20th January, 2020, at about 6 pm, informant/victim left company and going towards bus stop, at that time accused Sunil came from back and slapped victim on her back, accused was on motorcycle, Started uttering sexually coloured remarks, informant/victim got annoyed and requested him not to do so, but accused Sunil caught hold of her hand and forced her to seat on motorcycle for Sexual favours, but anyhow informant/victim tried to rescue herself, but at that time accused Sunil removed her dupatta and ran away from spot by uttering and abusing her in obscence and filthy language. The informant / victim was afraid and felt shy and uneasy by such incidence and narrated the fact to her mother (pw₂) and there after on 24th January, 2020, informant / victim lodged first information Report to police station and after due investigation charge sheet was filed before Court, u/s 354, 354A, 354B, of IPC.

Accused Sunil pleaded not guilty and prosecution examined seven witnesses and relied on spot panchnama and on recovery panchnama of clothes and dupatta of victim. There is direct and circumstantial evidence. The defence of accused was total denial and was that informant/victim was working under accused in official capacity. The Hon'ble court relied on defence case and accused was acquitted for charges u/s 354, 354A and 354B of I.P.C levelled against him.

Points for acquittal and Non appreation of Evidence :

- (a) Evidence of mother (pw₂) of informant/victim not believed - being Hearsay
- (b) First Information Report lodged after four days hence delay in filing F.I.R.
- (c) No independant witness examined as it was public place on road.
- (d) There are Contradictions & Omissions in the evidence of witnesses.
- (e) Recovery of cloths and dupatta not appreciated.
- (f) Minor discripencies in evidence of witnesses.

Hence court has given benefit of doubt to the accused.

2. Answer in detail **any two** on provisions of Cr. P.C. 18
- (a) What is First Information Report ? State its Evidenciary value.
 - (b) When Police may arrest without warrant under Cr.P.C. ? Discuss with reference to Landmark Judgement of "Arnesh Kumar v/s State of Bihar & ANR".
 - (c) Discuss the procedure followed by a Magistrate in Warrent Trial Cases, instituted on a police Report.
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3. Write short notes on **any four** of the following on Cr.P.C. 16
- (a) Right of accused for medical Examination.
 - (b) What is Brain Mapping Test ?
 - (c) Compoundable and Non - Compoundable of offences.
 - (d) Proclamation and its publication.
 - (e) Provisions relating to reports of certain Government Scientific Experts.
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4. Answer **any four** of the following on Cr.P.C. 16
- (a) Discuss various classes of criminal courts and their powers under Cr.P.C. ?
 - (b) Provisions relating to grant of bail by Magistrate in Non - bailable offences Discuss.
 - (c) Contents of charge.
 - (d) Cognizable and Non - Cognizable offences.
 - (e) Discuss the procedure for trial for giving false evidence in proceeding under Cr.P.C. ? (i.e. Judicial Proceeding)
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5. Answer **any three** of the following on Evidence Act. 15
- (a) Who is an Expert ? When opinion of Expert is relevant in evidence ?
 - (b) What is Documentary Evidence ? Discuss Admissibility of Electronic Record ?
 - (c) What is Resgestae ?
 - (d) What is Examination of witnesses ? Explain Examination - in - chief ; Cross-Examination and Re-examination ?
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6. Answer the following :

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- (a) Discuss the provisions relating to 'Relevancy of Fact' with reference to conduct, motive, preparation and Alibi.

OR

- (b) What is dying declaration ? What is its evidential value ?
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