

**MAIN WRITTEN EXAMINATION FOR THE POST OF
CIVIL JUDGE JUNIOR DIVISION & JUDICIAL MAGISTRATE FIRST CLASS,
GOA STATE JUDICIAL SERVICE (2014).**

PAPER - II (07.12.2014)

Time : 3 Hours.

Max. Marks : 100

Note : 1) Question no. 11 and 12 are compulsory.
2) Answer any seven from the remaining questions.

Marks to each question are indicated by figure in the margin on right hand.

Que:-1- Write short notes on any two:-

- A) Cognizable and non cognizable offences.
- B) Rights of Magistrate to direct Police to register an FIR.
- C) Common intention and Common object.
- D) Criminal force and Assault.

Marks : 10

Que:-2- Explain Cruelty and discuss the provisions of abetment by the husband and in laws to commit suicide?

Marks : 10

Que:-3- A) Explain the procedure for issuance of summons in a Private complaint by a Magistrate?

- B) Explain how a Magistrate can take cognizance of any offence?

Marks : 5+5

Que:- 4- Write short notes on any two:-

- A) Confession of Co-accused in joint trial.
- B) Discovery and Recovery at the instance of Accused.
- C) Giving false evidence, consequence of. (ch XI)
- D) Arrest of person (Sec. 41)

Marks : 10

Que:-5- What is Primary evidence? When secondary evidence admissible?

Marks : 10

Que:- 6- Write short notes on any four:-

- A) First Information Report.
- B) Compounding of offence.
- C) Hurt and Grievous hurt.
- D) Forgery.
- E) Hearsay Evidence.
- F) Fact is issue.

Marks : 10

Que:- 7- Explain the difference between:- (Any two).

- A) Criminal breach of trust and misappropriation of property.
- B) Outraging modesty of woman and insulting her modesty.
- C) Robbery and Dacoity.
- D) Harassment of woman by in laws for illegal demand and Dowry death.

Marks : 10

Que:- 8- Define Defamation and what are its exceptions.

Marks : 10

Que:- 9- Write short notes on any two:-

- A) Burden of proof in criminal matter.
- B) Presumptions as to documents.
- C) Wrongful gain and Wrongful loss.
- D) Right of private defence.

Marks : 10

Que:- 10 – Elaborate:- concept of recording confessions by Magistrates and precautions to be taken while recording it?

Marks : 10

Que:- 11 - Write Essay on any one of the following:-

- A) Cyber Crime by white collared persons.
- B) Offence against a Child, consequence of.

Marks : 10

Que:- 12 – Write a judgment on the following facts:

(Specify proper points of determination and give reasons for your conclusion on each point for determination. Conclude the judgment by proper and final order. To the extent if it is necessary to elaborate appreciation of oral and documentary evidence, you are at liberty to fill in the details in the case from your imagination).

The case of prosecution is as under:-

Complainant filed complaint under section 138 of Negotiable Instrument Act, in the Court of JMFC, Panaji, disclosing that cheque issued by the Accused on 1.3.2013 for Rs.40,000/- drawn on Mapusa Bank, towards due repayment of loan, was returned unpaid by the bank on the ground of insufficiency of funds in the account of Accused and the notice issued from Panaji, to the Accused returned with the endorsement "Unclaimed". It is also the case of complainant that the cheque issued was at "Par".

Accused took the defence of want of jurisdiction of JMFC Panaji to entertain the complaint and also stated that the cheque was not issued towards repayment of debts but only for security.

Marks : 20
