

HIGH COURT OF BOMBAY AT GOA (PANAJI)
FINAL(MAIN) WRITTEN EXAMINATION FOR THE POST OF CIVIL JUDGE
JUNIOR DIVISION AND JUDICIAL MAGISTRATE FIRST CLASS, 2017
PAPER -II (CRIMINAL LAW)

Time : 3 hours

Total Marks : 100

Instructions :

1. All questions are compulsory.
2. Question No.1 carry 20 marks. All other questions carry equal marks i.e. 16 marks each.
3. Your answers must be to the point, wherever possible quoting the specific provisions of law.
4. Do not reproduce any question. Write only question's number against the answer.
5. Number of optional question up to the prescribed number in the order in which questions have been solved, will only be assessed and excess answers of the question/s will not be assessed.
6. 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.

Q.1. Write a judgment on the following facts :

Marks : 20

(Specify proper points for determination and give reasons for your conclusion on each point for determination. Conclude the judgment by proper and final order).

The informant had parked his motor cycle in front of his shop. After closing the shop in the night, he found his motor cycle missing from the parking area. He lodged report with the police station. During investigation, police found the motor cycle parked in the court yard of the house of accused. The accused failed to give satisfactory account of the vehicle in his possession. Police seized the vehicle in the presence of Panchas and prepared the panchanama. Police filed charge sheet against accused for the offence punishable u/s. 379 of the IPC.

The defence of accused is of total denial. He also denied the seizure of the vehicle from his possession.

In the evidence the informant and the Investigating Officer supported the prosecution, whereas the Panch witnesses to the seizure did not support prosecution.

Q.2. Write notes on *any two* of the followings:

Marks : 16
(8 marks each)

- a. Police custody and Magisterial custody. (Sec. 167 Cri.P.C.)
- b. Summary Trials. (Chapter XXI Cri.P.C.)
- c. Offences relating to marriage and cruelty by husband. (Sec. 493, 498-A of IPC)
- d. Bail in bailable and non bailable offences by the Magistrate. (Sec. 436, 436-A and 437 of Cri.P.C.)

Q.3. Write short notes on *any four* of the followings: Marks : 16
(4 marks each)

- a. Abetment. (Chapter V, in particular Sec.107, 108 of IPC)
- b. Voyeurism and Stalking. (Sec. 354-C and 354-D of IPC)
- c. Defamation. (Chapter XXI of IPC)
- d. Facts which need not be proved.
(Chapter III of Indian Evidence Act)
- e. Criminal intimidation, insult and annoyance.
(Chapter XXII of I.P.C.)
- f. Opinions of experts.(Sec. 45, 45A, 46 of Indian Evidence Act)

Q.4. Discuss *any four* of the followings: Marks : 16
(4 marks each)

- a. Public documents and Private documents.
(Sec. 74, 75 Indian Evidence Act)
- b. Presumptions u/s. 114 of the Indian Evidence Act.
- c. Alteration in the maintenance allowances and enforcement of the order of maintenance. (Sec. 127 and 128 of Cri.P.C.)
- d. Limitation for taking cognizance of certain offences.
(Chapter XXXVI of Cri.P.C.)
- e. Burden of proof.(Chapter VII of Indian Evidence Act)
- f. Criminal breach of trust. (Sec. 405 to 409 of I.P.C.)

Q.5. Write short notes on *any two* of the followings: Marks : 16
(8 marks each)

- a. Search warrants. (Sec. 93 to 98 of Cri.P.C.)
- b. Framing of charge and joinder of charges.
(Chapter XVII of Cri.P.C.)
- c. Power to postpone and adjourn proceedings under the Code of Criminal Procedure.(Sec. 309 of Cri.P.C.)
- d. Presumption as to documents thirty years old.
(Sec. 90 of the Indian Evidence Act.)

Q.6. Write an essay on **any one** of the following topics: (Approx. 800 words)

Marks : 16

- a. Importance of Alternate Dispute Resolution (ADR) techniques in the present judicial system.
- b. How to deal with the old pendency of cases in the Courts.
- c. Effect of media trials on the Court proceedings.
- d. Fundamental rights and reasonable restrictions.
