

**EXAMINATION FOR RECRUITMENT OF GRADE- III IN
TRIPURA JUDICIAL SERVICE**

**LAW PAPER-II
TOTAL MARKS-100**

Time- 3 hours

YEAR-2009

1. What is Fact and Fact in issue? When can a fact be said to be proved, disproved and not proved? Write with reference to the relevant sections of the law.

5

2. Write short notes (any three)

(3 x 3) = 9

- (i) Document
- (ii) Estoppel.
- (iii) Admission and Confession.
- (iv) Dying declaration.

3. How the contents of a document is proved? Whether an oral evidence as to the contents of a document is relevant, if so, when? Write with reference to the relevant sections of the law.

5

4. Whether admission or confession made to a Police Officer during the custody of such Officer is admissible? How much of the information received by the police from the accused may be proved and under which provision of law?

3

5. Under what provision of law a Police Officer making an investigation can examine a person and for what purpose such statement can be used? Explain with reference to the relevant provision of law.

3

6. What is the purpose of examining the accused U/s 313 Cr.P.C.? Whether the answers given by the accused in his examination U/s 313 Cr.P.C. can be used for or against him in the same trial and in any other enquiry or trial?

3

7. Under what circumstances, and against whom a person can claim maintenance U/s 125 of the code of Criminal Procedure?

3

8. Write short notes.

 $(3 \times 2) = 6$

- (a) Complaint.
- (b) Cognizance.
- (C) Property.

9. Whether charge can be altered, if so at what stage? State, in brief, the procedure to be followed after such alteration.

3

10. "A" commits house-breaking by day with intent to commit adultery, and commit in the house so entered, adultery with "B" 's wife. State if "A" can be separately charged and if so under what sections of the Indian Penal Code?

2

11. Is it necessary to examine the complainant upon oath at the time of taking cognizance, if so, is there any exception? Explain with reference to the relevant provision of law.

3

12. Whether on receipt of a complaint of an offence, the Magistrate can postpone the issue of process, if so, under what circumstances and under which provision of law?

3

13. State the procedure to be followed in respect of trial of a person who appears to be of unsound mind and incapable of making his defence.

3

14. State in what manner, money ordered to be paid by virtue of any order made under the Code of Criminal Procedure can be recovered.

2

15. Is there any bar in taking cognizance after lapse of the period of limitation? If so, explain the circumstances when the bar will be applicable.

3

16. Whether Section 34 and Section 149 are procedural law or substantive law? Explain indicating the difference, if any.

3

17. Write short notes (any three)

(2 x 3) = 6

- (i) Wrongful gain and wrongful loss.
- (ii) Dishonestly.
- (iii) Document.
- (iv) Injury.

18. What is right of private defence? Explain indicating restriction, if any. Can right of private defence be exercised against the act of a person of unsound mind?

3

19. "A", a Public Officer, is authorised by a warrant from a Court of Justice to apprehend "Z". "B", knowing that fact and also that "C" is not "Z", willfully represents to "A" that "C" is "Z" and thereby intentionally causes "A" to apprehend "C". Whether any offence has been committed by any of them? If so indicate the person with reference to the Section of the offence committed by him.

2

20. "A", intending to cause a theft to be committed, instigates "B" to take property belonging to "Z" out of "Z" 's possession. "A" induces "B" to believe that the property belongs to "A". "B" takes the property out of "Z" 's possession in good faith believing it to be "A" 's property. Indicate who has committed what offence?

3

21. Distinguish extortion from theft.

3

22. "A" and 5 other persons meet "Z" on highway, show a Pistol and demand "Z" 's purse. "Z" in fear of instant hurt; surrenders his purse. What is the offence, if any, committed by them?
2
23. "Z" going on journey, entrusts his furniture to "A", a ware housekeeper under a contract that it shall be returned on payment of a stipulated sum for ware house rooms. "A" dishonestly sold the goods. Explain with reference to the relevant Section, what offence was committed by "A".
2
24. What is hurt? When does a hurt become grievous hurt?
3
25. Distinguish wrongful restraint from wrongful confinement.
2
26. "Z" is standing in the doorway of his house. "A" forces a passage by knocking "Z" down, and entered into the house and insulted "Z" 's wife, who was sitting inside the house. What offence has "A" committed?
2
27. "A", without "Z" 's authority, affixes "Z" 's seal to a document purporting to be a conveyance of an estate from "Z" to "A", with intention of selling the estate to "B", and thereby obtaining from "B" the purchase money. What is the offence, if any, committed by "A"?
2

28. 12(twelve) persons were charged for offences U/s 447/302, read with Section 149 IPC. Out of them 8(eight) were acquitted, the remaining persons.

2

- (a) Can't be convicted U/s447/302 read with Section 149 IPC.
- (b) Can be convicted U/s 447/302 read with Section 149 IPC.
- (c) Can't be convicted U/s 302 IPC.
- (d) None of the above.

29. Explain the distinction between 'Libel' and 'Slander'.

3

30. What do you understand by the rule in " Rylands - vs- Fletcher"?

3

31. The owner of a car engaged a driver put him in sole charge and instructed him to use it as a taxi. The driver engaged a cleaner, taught him to drive the car and took him to RTO to get him driving licence. When he was test driving he caused an accident. Whether the owner was vicariously liable? Explain.

3
