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TR/CRIM/I/CST/JUNE/23

**DEPARTMENTAL EXAMINATION OF IAS/  
TCS GRADE-II OFFICERS, JUNE-2023**

**CRIMINAL LAW AND PROCEDURE**

**(Law Paper-I)**

**(Without Books)**

**Full Marks-100**

**Time - Three hours**

The figures in the margin indicate full marks  
for the questions.

- **Answer Question No. 1 from GROUP-A, 6 (six) questions from GROUP-B and 5 (five) questions from GROUP-C.**

**GROUP-A**

**(Answers to the Question No. 1 shall be only in the form of either 'Yes' or 'No'. Elaborate answers should not be given.)**

**1. Answer the following questions :      2×10=20**

- (i) **Has the Executive Magistrate power to sentence of imprisonment for more than 3 months and for fine more than Rs, 5000 in appropriate case ?**

**[Turn over**

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(ii) Can the Officer-in-Charge of a Police Station start investigation in a case of committing suicide without sending any intimation to the Executive Magistrate ?

(iii) Did the Officer-in-Charge of a Police Station commit any wrong by endorsing a Warrant of arrest to an Assistant Inspector of Police which he has received from the Court for execution ?

(iv) The Court directed a Warrant of arrest to the Officer-in-Charge of Kailasahar Police Station, Tripura for causing arrest of one person residing within his jurisdiction. The Police Officer arrested the person from Silchar, Assam. Has the Officer-in-Charge of Kailasahar Police Station committed any wrong ?

(v) Is it consent, if such consent is given by a person under fear of injury or under misconception of facts ?

(vi) Has a Police Officer power to cause arrest of a person against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to seven years without an order of Magistrate and without a Warrant of arrest ?

(vii) An Arbitrator is legally authorized to take evidence. Is it a Court within the meaning of the Indian Evidence Act ?

(viii) A girl is alleged to have been assaulted sexually. Can any person claiming to be her guardian be treated as victim ?

(ix) Is a tree standing on the land being attached to the earth, is movable property ?

(x) Can a member of the public lodge complaint against a person for violation of Prohibitory order under section 144 of the Code of Criminal Procedure, 1973 punishable under section 188 of IPC ?

### GROUP – B

● Answer any 6 (six) questions :  $5 \times 6 = 30$

2. Is an Executive Magistrate authorized to pass an Order of Injunction pending inquiry under section 133 of the Code of Criminal Procedure, 1973 ? Discuss citing relevant provisions of law.
3. What is the punishment prescribed under the Indian Penal Code for absconding to avoid service of summons or other proceeding ? Discuss.

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4. What are the 'acts' against which there is no right of private of defense ?
  5. What particulars shall contain in the orders to be passed under sections 111 and 117 of the Code of Criminal Procedure, 1973 ?
  6. Describe the procedure to be followed by Police Officer upon seizure of property under the Code of the Criminal Procedure, 1973 ?
  7. What are the provisions relating to taking presumption in case of dowry death under the provisions of the Indian Evidence Act ?
  8. Elaborate when the right of private defense commences and how long it continues ?
  9. What are the different kinds of punishments prescribed in the Indian Penal Code for the public servant concealing design to commit offence it is his duty to prevent ?

#### GROUP-C

- Answer any 5 (*five*) questions :  $10 \times 5 = 50$
10. Describe the 'acts' to constitute imputations, assertions prejudicial to the national integration punishable under section 153B of the Indian Penal Code.

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11. Is the act, caused by inducing person to believe that he will be rendered an object of the Divine displeasure, an offence? Discuss the law as provided in the Indian Penal Code.
12. What are the functions of the Directorate of Prosecution constituted under the provisions of the Code of Criminal Procedure, 1973?
13. What procedures shall be followed where existence of public right is denied in a case of removal of public nuisance?
14. Discuss the power of the Executive Magistrate to deal with dispute concerning right of use land and water as provided in the Code of Criminal Procedure, 1973.
15. What are the restrictions regarding making disclosure of professional communications in giving evidence as provided in the Indian Evidence Act? Discuss.
16. What do you mean by unlawful assembly as provided in the Indian Penal Code?