

TR/TSJ/L-II/14

**LAW**

Second Paper

Full Marks – 100

Time – Three hours

Answer must be written in English only.

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

Candidates are required to give their answers in their own words as far as practicable.

**GROUP – A**

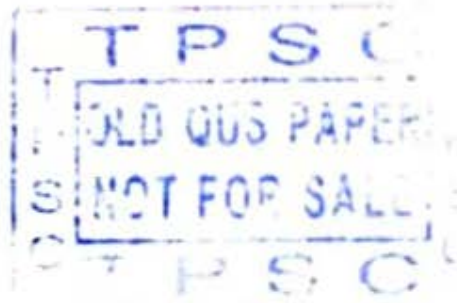
Four options are given against each of the following ten questions. Select the single best / correct option and write it in the answer script by pen only.

Each question carries one mark.  $1 \times 10 = 10$

Example : The Code of Civil Procedure deals with

- (a) Civil law
- (b) Criminal law
- (c) Both (a) & (b)
- (d) None of these

Answer : (a) Civil law



[Turn over

1. (i) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is

(a) no offence

(b) culpable homicide not amounting to murder

(c) murder

(d) none of the above

(ii) Mr. Salman falsely informs the police that he has been assaulted and robbed in the neighbourhood of Bandra, Mumbai and he does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in Bandra to the annoyance of the residents or some of them. Mr. Salman has committed an offence under section

(a) 181 of Indian Penal Code

(b) 182 of Indian Penal Code

(c) 183 of Indian Penal Code

(d) 184 of Indian Penal Code

(iii) A kidnaps Z from India, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence punishable under section

- (a) 363 of Indian Penal Code
- (b) 363-A of Indian Penal Code
- (c) 364 of Indian Penal Code
- (d) 364-A of Indian Penal Code

(iv) Admissions are not conclusive proof of the matters admitted, but they may operate as

- (a) relevant facts
- (b) estoppels
- (c) conclusive proof
- (d) none of these

(v) A and B are jointly tried for the murder of C. It is proved that A said - "B and I murdered C". The Court may consider the effect of this confession as against

- (a) only A
- (b) both A and C
- (c) B
- (d) none of them



(vi) A prosecutes B for stealing a cow from him, B, is convicted. A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is

- (a) relevant
- (b) conclusive proof
- (c) partly relevant
- (d) irrelevant

(vii) A sues B for Rs.1000, and shows entries in his account-books showing B to be indebted to him to this amount. The entries are

- (a) relevant
- (b) irrelevant
- (c) conclusive proof
- (d) none of these

(viii) Section 216 of the Code of Criminal Procedure, 1973, states that

- (a) any man can be arrested at night
- (b) court may alter charge before judgment
- (c) any woman can be arrested at night
- (d) charge cannot be altered once framed

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(4)

(ix) Section 146 of the Code of Criminal Procedure, 1973, states the

- (a) power to release convict on bail
- (b) power to arrest convict
- (c) power to attach subject of dispute and to appoint receiver
- (d) power to attach property of convicts after judgment

(x) Section 200 of the Code of Criminal Procedure, 1973, deals with

- (a) cancellation of bail
- (b) quashing of complaint
- (c) examination of complainant
- (d) framing of charges.

### GROUP - B

Answer any *ten* questions.

Each question carries 5 marks.

5×10=50

2. Explain the concept of Plea bargaining as enshrined in the Code of Criminal Procedure, 1973.
3. Explain the provision of section 313 of the Code of Criminal Procedure, 1973.

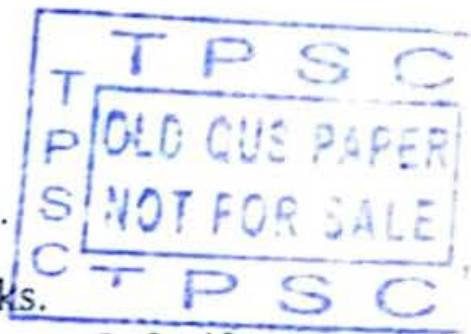
4. Explain the provision relating to examination of person accused of rape by medical practitioner, reflected in the Code of Criminal Procedure, 1973.
5. Explain the provision of section 129 of the Code of Criminal Procedure, 1973.
6. Explain the primary difference between section 376(2)(k) and section 376 (2)(n) of the Indian Penal Code, 1860.
7. Explain the basic difference between section 149 and section 34 of the Indian Penal Code, 1860.
8. Explain the provision of section 258 of the Indian Penal Code, 1860.
9. Explain the provision of section 277 of the Indian Penal Code, 1860.
10. Explain the ratio laid down in the case of Rylands v Fletcher.
11. Explain the maxim – "Volenti non fit injuria".
12. Explain the concept of 'damages' in the law of Tort.

13. Explain the provision of section 11 of the Indian Evidence Act, 1872.

GROUP - C

Answer any *five* questions.

Each question carries 8 marks.



$$5 \times 8 = 40$$

14. "A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property, as she has no authority from Z to give. A takes the property dishonestly." What offence is committed by A ? Discuss with reference to the specific provision of law.
15. "A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of twenty thousand rupees." Discuss the ingredients of offence committed by A, with reference to specific legal provisions.
16. Mr. Amir monitors the use by Miss. Sania of the internet, email or any other form of electronic communication. Discuss the ingredients of the offence committed by Mr. Amir with specific reference to the penal provisions.

17. Discuss the circumstances under which the police may arrest without warrant.

18. Discuss the facts of which the Court must take judicial notice (as per the Indian Evidence Act, 1872).

19. Discuss the ingredients of Section 92 of the Indian Evidence Act, 1872 with two illustrations.