

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for Recruitment of District Judges
by transfer through Limited Competitive Examination**

**Paper – II
(Criminal Laws)**

Dated 17th August, 2019

Time: 3 Hours, from 2:00 pm to 5:00 pm

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all questions. Each question carries a total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.
2. Questions must be answered in English only. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page on the main answer booklet. Do not either write your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 3:00 pm.

1. As regards jurisdiction of a Court to enquire into and try a criminal case, the general rule is that every offence shall ordinarily be enquired into and tried by a Court within the local limits of whose jurisdiction the offence it was committed. Discuss the exceptions to this general rule. (10 marks)

2. (a) Whether the Sessions Judge can summon a person as an additional accused prior to recording of prosecution evidence. If yes, give reasons with relevant case law. If no, give reasons with relevant case law. (5 marks)

(b) What are the principles to be taken into consideration while dealing with the bail application in non-bailable offences? Elucidate with relevant case law. (5 marks)

3. (a) *A* is tried for causing hurt and convicted. The person injured afterwards dies. Can *A* be tried again for culpable homicide? (5 marks)

(b) What are the various parameters of rarest of rare cases for awarding death penalty? Support your answer with precedents. (5 marks)

4. (a) Explain with the help of case law (i) Facts of issue, (ii) Testimony of an accomplice, and (iii) Expert evidence. (5 marks)

(b) What are the essential conditions for a valid dying declaration? Give some illustrations of dying declaration which are not admissible in evidence? (5 marks)

5. (a) An accused, while in police custody, gives information to the Investigating Officer that he purchased the murder weapon from a particular dealer, and then takes the Investigating Officer and the Panchas to the place of the dealer and points him out. Whether the information given by the accused, and the evidence of the Investigating Officer and the Panchas are admissible? (5 marks)

(b) Distinguish between 'confession' and 'extra-judicial confession'; what is the evidentiary value of 'retracted confession'? (5 marks)

6. (a) What is the difference in respect of right relating to search of a house, and search of person under the provisions of N.D.P.S. Act? (4 marks)

(b) On the basis of a First Information Report lodged by X, the officer in charge of police station alleging that while he was posted as S.H.O., at the said police station, when he came out of the gate for arresting Y, he found two persons coming out at a fast speed on a scooter. They were stopped. They disclosed their identities. A search of their person was conducted, but nothing was found.

However, on search of the scooter, some black coloured liquid substance contained in six big plastic bag and one plastic bag were seen which were said to be containing Opium. The Sub Divisional Police Officer of the place was informed, and 5.890 kilograms of Opium was recovered.

Argument is advanced on behalf of the accused that search and seizure is vitiated in law as mandatory statutory requirements contained in Sections 50 and 42 of the N.D.P.S. Act were not complied with. It is also argued that the informant did not comply with the requirements of Section 57 of the N.D.P.S. Act. Sealing of the contraband material was also not carried out in accordance with law as no responsible officer fixed seal on the seized samples. Decide.

(6 marks)

7. (a) What is the requirement of previous sanction for prosecution of a public servant under the Prevention of Corruption Act? (4 marks)

(b) *B*, the wife of *A*, a public servant, receives a diamond necklace from *X* for soliciting *A* to provide some Government land at cheaper rate (than the rate fixed) for establishing a hotel near an airport. *A* agrees and allots the said land to *X*.

Fix the liability of *A* in this case, under the provisions of the Prevention of Corruption Act, 1988. Also state the liability of *B*, if any. Give reasons for your answer. (6 marks)

8. (a) Which Court has the power to try a case under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and how such Court takes cognizance of the offence? (4 marks)

(b) *A*, a higher caste girl, and *B*, a Schedule Caste boy were class fellows. They fell in love with each other and ultimately married in 2001. They were living in a village where *B* had some agricultural property in addition to his job as a teacher in Government School. In the absence of *B*, *A* used to take care of agricultural land. One day she had some altercation with *X*, an adjacent land

owner, who abused her with derogatory words relating to caste in which she has married. On the complaint of *A*, can *X* be prosecuted for offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Justify your answer. (6 marks)

9. *A* committed the murder of his son *S*, by his first marriage, as *S* used to quarrel with *A*'s second wife *W*. *A* dug up a big hole in the floor of the house and buried the dead body. *W* helped him in digging up the hole. After that, *W* burnt the blood stained clothes of *A*. When the police wanted to search the house, she refused to give them entry. She did not answer truthfully the questions put to her by the police. *W* is charged under sections 201 and 212 of the Indian Penal Code.

- (i) Could *W* be convicted under Section 201?
- (ii) Is she covered under the exception in Section 212?
- (iii) If *W* was not lawfully married to *A*, will she be given the benefit of exception?

(10 marks)

10. (a) Discuss as to when secondary evidence can be permitted under sub-sections (a), (b) and (c) of Section 65 of the Evidence Act. (5 marks)

(b) Discuss the requirements of Section 65B of the Evidence Act. Whether the certificate required under Section 65B is mandatory, or not? Discuss elaborately. (5 marks)
