

## LINKING I

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#### **RAJASTHAN JUDICIAL SERVICE MAINS EXAM 1989**

#### CRIMINAL LAW AND PROCEDURE Part 'A'

- Q.1. A, a Munsif obtains on 15.10.1988 from Z, a banker, a situation in Z's bank for A's brother as a reward to A for deciding a case in favour of Z. What offence A has committed?
- Q. 2. A, an illiterate boy servant of 8 years stole a new Parker pen worth Rs. -105/from the table of his employer and sold it to B, a student aged 21 years reading in M.A. class for Rs. 3/- only. What offence A and B have committed?
- Q. 3. M, an unmarried daughter of A, was born at mid-day on 13.12.1970. She agrees to go with her paramour B without her parents consent or knowledge between 134 and 14 December, 1986 at 3 a.m. B has sexual intercourse with her after a fortnight with her consent. What offence, if any, M and B committed?
- Q.4. A a Patwari in his capacity as such represented to an agriculturist the were duo as land revenue while only Rs. 400/-were due. A realized . deposited only Rs. 400/- in the Government treasury and used the excess 100/- for his purposes. What offence A has committed?
- Q.5. A. a Rajasthan State Roadways conductor does not issue ticket to Ban travelling in the bus, though B has paid the fare. What offence A has committed?
- To which. State of India, Indian Penal Code does not extend? Q.6.
- What is a Valuable Security? Q.7.
- Sample of til oil exposed for sale was taken by a Food Inspector from the busin Q.8. premises of A. The report of Public Analyst stated that the sample was et adulterated. Can A get benefit of Section 95 of Indian Penal Code?



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- Whether extra judicial confession made before a home guard on duty is Q. 9. admissible! in evidence?
- Q. 10. Upto what stage can a Court alter, add or amend a charge?"
- Q. 11. Namo the authorities before whom affidavits may be sworm.
- Q: 12. What is dowry death?
- Q. 13. A went to the house of B in the night on the invitation of B's wife with whom he had illicit relations. B had gone to attend a Kirtan. What offence A has committed?
- If an accused is convicted under Sections 325 and 323 IPC, is it necessary that Q. 14. the report of Probation Officer should be called upon before extending benefit of Probation of Offenders Act, 1958? -
- A, B, C buried alive D with the dend body of her husband. What offence A, B, C. Q. 15. have committed?
- Q. 16 'A marries again during the life-time of his wife. A is prosecuted. Can the offence be compounded? Whose permission is necessary?
- Q. 17. Some high caste people did not allow members of Scheduled Caste to carry a barat procession on the ground of untouchability. Under what law the high caste people .. can be convicted? What is the minimum sentence for offence?
- A threw acid on the face of B, a young girl. Under what section of Indian Penal -Q. 18. Code, A can be convicted?
- Q. 19. To what extent a Chief Judicial Magistrate can pass a sentence?
- Q.20. Under what circumstances 'a police officer can release an accused on ball and me artist for a cognizable offence but which is not bailable?





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#### Part 'B'

- Q. 21. What kinds of hurt are designated as grievous?
- Q. 22. To what kinds of punishment are offenders liable under the provisions of Indian Penal Code?
- Accused A faced trial before Magistrates. During the was exempted through a Q. 23. lawyer. After the proses before Magistrates. During the trial his personal attendance Magistrate ordered to produce accused A. A's counsel sub to reply any question and would not raise question on following questions.
  - (I) Can the Magistrate compel the attendance of the accused in the Court to answer questions?
  - (ii) If convicted, can the accused say in appeal that he was prejudiced because he was not examined?
- At what stage can a Magistrate of the first class may tender a pardon to an Q. 24. accused? Is It necessary that such an accomplice be examined before the committing Magistrate as a witness?
- What is common intention? Accused M caught hold of the hands of the injured Q 25. when he was being injured. Can it be held that-M shared the common intention of the other accused in causing hurt?
- Q.26. A case was committed to Sessions Judge for trial of murder. Police had recovered a lathi from the accused. Witness M had stated before the Investigating Officer that he saw accused running towards deceased. Sessions Judge discharged the accused. Is his Judgment correct?
- Q. 27. A committed an offence at Calcutta. He then came to Ajmer, Police arrested him at Ajmer on the basis of a warrant issued by a Court of Calcutta: Can A be granted bail at Ajmer? If so, by whom?
- A and B were married at Calcutta. They last resided together at Delhi. A came Q. 28. on transfer to Jaipur leaving B with her brother at Delhi. He neglected and refused to: maintain 'B'. At what places application for maintenance under Section 125 of the. Code of Criminal Procedure can be filed? .





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- Q. 29. To whom a Magistrate can order to maintain a divorced Muslim woman?
- Q. 30. A father approached his married daughter from his first marriage for maintenance on the ground that he was unable to maintain himself. He was living with his second wife whom he had married when his first wife died about 30 years ago. The daughter raised a preliminary objection that Section 125 CrPC did not require daughters to maintain their parents. Magistrate dismissed objections. Is his order right? Give reasons.
- Q. 31. A police officer making an investigation may by order in writing require the attendance before himself of any person who from the information given or appears to be otherwise acquainted with the facts and circumstances of the case and such person shall attend as so required. There are certain exceptions to it. Explain them.
- Q. 32. A Hindu undivided family did not file incoine tax return. Who shall be deemed to be guilty of the offence? What is the defence available to him?

#### Part 'C'

- Q. 33. A Mohammedan husband makes allegations of unchastity against his wife when pronouncing talak. The wife prosecutes him under Section 500 LPC. The husband claims protection of Exception 9 of Section 499 IPC. Would you convict him? Give reasons.
- Q. 34. An accused has intimacy with an unmarried girl. She gets pregnant. One night she comes to his house and insists on the accused marrying her. The accused refuses. She commits suicide at the door of the accused by taking. poison. Later in the night the accused notices the dead body at his door. Out of fear of the police and to conceal the fact of girl being intimate with him and having committed suicide, he throws the dead body into a nullah. Two days later the body is discovered. After investigation the accused is challenged under Section 201 IPC. What offence, if any. has the accused committed? Give reasons.
- Q. 35. An accused who was charged for possessing an unlicensed pistol took the police to his bedroom and had a talk with his wife. Thereafter she left the room. After a few minutes she returned with a pistol and cartridges. Can the wife be compelled to disclose what she was told by her husband? Give reasons.
- Q. 36. Distinguish between dismissal of a complaint, discharge and acquittal. What the remedies available in each of these cases?









# LINKING LA

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- Write a note on summary trial. What offences can be tried summarily? Q.37.
- Q. 38. What are the exceptions to the general rule of law that any citizen can set the machinery of criminal law in motion? Illustrate your answer.
- What do you understand by a "retracted confession"? Q.39.



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