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AIBE PRACTICE MCQs (BNSS, 2023)

1. In which of the following circumstance, a private person can arrest any person?
 - (a) When such person commits a non-bailable and non-cognizable offence in his presence.
 - (b) When such person commits a bailable and cognizable offence in his presence.
 - (c) When such person commits a non-bailable and cognizable offence in his presence.
 - (d) When such person commits a bailable and non-cognizable offence in his presence.
2. For the purposes of Section 1 of the Bharatiya Nagarik Suraksha Sanhita, 2023, "Tribal Area" means the territories which immediately before the.... were included in the tribal areas of Assam, as referred to in paragraph 20 of the Sixth Schedule to the Constitution, other than those within the local limits of the municipality of Shillong.
 - (a) 21st day of January, 1972
 - (b) 26th day of January, 1948
 - (c) 15th day of August, 1947
 - (d) 18th day of January, 1951
3. Inquiry under the BNSS, 2023 is conducted by:
 - (a) Magistrate only
 - (b) Magistrate or Court
 - (c) Sessions Court only
 - (d) Police officer
4. Under which Section of BNSS Assistant Public Prosecutor is appointed by the Government.
 - (a) Sec. 19 BNSS
 - (b) Sec.18 BNSS
 - (c) Sec.21 BNSS
 - (d) Sec.23 BNSS
5. Arrange the following in the chronological order on the basis of Sections of BNSS-
 - I- Public prosecutor
 - II- Special Executive Magistrate
 - III- Special Judicial Magistrate
 - IV- Court of Session
 Select the correct answer using the code given below-
Code -
 - (a) I, II, III and IV
 - (b) IV, III, II and I
 - (c) III, IV, II and I
 - (d) I, IV, III and II
6. Which of the following sentence is an Assistant Sessions Judge authorised to pass as per the Code of Criminal Procedure, 1973 ?
 - (A) Sentence of death.
 - (B) Sentence of imprisonment for life.
 - (C) Sentence of imprisonment for a term not exceeding ten years.
 - (D) Sentence of imprisonment for a term exceeding ten years.
7. As per Section 30 (24 BNSS) of Code of Criminal Procedure, 1973, if a Magistrate sentenced a person to two years' imprisonment and a fine, what is the maximum imprisonment he may impose in default of payment of the fine?
 - (A) 1 year
 - (B) 2 years
 - (C) 6 months
 - (D) 3 months
8. Sentence in cases of conviction of several offences at one trial is provided under which of the following Sec of the BNSS?
 - (a) Sec 25 BNSS
 - (b) Sec 24 BNSS
 - (c) Sec 26 BNSS
 - (d) Sec 27 BNSS
9. Which one of the following Sections of BNSS prohibits the male police officer from touching in person of woman while making arrest?
 - (a) Proviso to Section 35 (1)
 - (b) Proviso to Section 39 (2)
 - (c) Proviso to Section 43 (1)
 - (d) None of the above
10. The provision of examination of arrested person by medical officer is provided under which section of the BNSS
 - (a) Section 51
 - (b) Section 52
 - (c) Section 55
 - (d) Section 66
11. Given below are two statements, one labelled as Assertion (A) and the other labelled as Reason (R).
Assertion (A): Any person having an interest in a newspaper declared forfeited, may apply to the High Court to set aside the declaration within two months of its publication in the Official Gazette.
Reason (R): The Special Bench of the High Court to hear such applications must always consist of exactly three judges, regardless of the strength of that High Court.



- In the context of the above assertion and reason under the Code of Criminal Procedure, 1973, which one of the following is correct?**
- (A) Both (A) and (R) are true, and (R) is the correct explanation of (A).
(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).
(C) (A) is true, but (R) is false.
(D) (A) is false, but (R) is true.
- 12. A proclaimed offender whose property has been attached can claim back the property or sale proceeds, on appearance before the court**
(a) within 6 months of attachment
(b) within 1 year of attachment
(c) within 2 years of attachment
(d) within 3 years of attachment
- 13. Sec.91 (94 BNSS) of the Cr.P.C. does not apply to**
(A) the accused
(B) the complainant
(C) the witness
(D) a person who is neither a complainant nor an accused nor a witness.
- 14. Under Section 105 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, what is now a mandatory requirement for the process of search and seizure conducted by the police?**
(A) The presence of a Judicial Magistrate during the search
(B) The documentation of the entire search and seizure process via audio-video electronic recording
(C) The presence of at least five local residents as independent witnesses
(D) The acquisition of a signed written confession from the occupant of the premises
- 15. To whom, as per Section 101 of the BNSS, a complaint on oath for restoration of an abducted female child to the person having her lawful charge, may be presented?**
(a) The District Magistrate
(b) The Sub Divisional Magistrate
(c) The Magistrate First Class
(d) All the above
- 16. Under Section 129 of Bharatiya Nagarik Suraksha Sanhita, 2023, which authority can ask for security for good behaviour from habitual offenders?**
(a) Judicial Magistrate-I Classe
(c) Executive Magistrate
(b) Chief Judicial Magistrate
(d) District Magistrate
- 17. Match List-I with List-II.**
List – I (Maintenance Provisions)
I. Jurisdiction for proceedings
II. Maintenance of parents
III. Interim maintenance application
IV. Maintenance of children
List – II (Specific Detail)
1. Legitimate or illegitimate children unable to maintain self
2. Where the person resides or where wife/child resides
3. Father or mother unable to maintain self
4. To be decided within 60 days of service of notice
(A) I – 2, II – 3, III – 4, IV – 1
(B) I – 4, II – 3, III – 2, IV – 1
(C) I – 3, II – 2, III – 1, IV – 4
(D) I – 2, II – 1, III – 3, IV – 4
- 18. If a person against whom an order under Sec 152 of BNSS is made, appears and show cause against the order, the Magistrate shall:**
(a) Take evidence in the matter as in a summon case
(b) Take evidence in the matter as a warrant case
(c) Take evidence in the matter as an extraordinary case
(d) Take no evidence
- 19. Under Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, if a police officer-in-charge determines that an investigation is not warranted because the case lacks sufficient gravity, they are legally obligated to notify the informant of this decision within:**
(A) 24 hours (B) 14 days
(C) 7 days (D) 30 days
- 20. Consider the following statements regarding the filing of complaint under the Bharatiya Nagarik Suraksha Sanhita, 2023.**
1. A 'complaint' by definition excludes a police report but a report made by a police officer disclosing a non-cognizable offence after investigation is deemed a complaint.
2. A Magistrate taking cognizance of an offence on a complaint must examine the complainant and witnesses upon oath and this substance must be signed by them and the Magistrate.
3. The Magistrate is prohibited from taking cognizance of an offence on a complaint without first giving the accused an opportunity of being heard.
4. If a complaint is dismissed under Section 226, the Magistrate is not required to



record reasons if the dismissal is based on the result of a previous investigation under Section 225.

How many of the statements above are correct?

- (A) Only one (B) All four
(C) Only two (D) Only three

21. In which of the following judgments, the Hon'ble Supreme Court has laid down that the competent Magistrate can direct the Police to conduct thorough and fair investigation into an FIR:

- (a) Hasan Bhai Wali Bhai Qureshi Vs. State of Gujarat; AIR 2004 SC 2078
(b) Sakiri Vasu Vs. State of U.P.; AIR 2008 SC 907
(c) Rashmi Behl Vs. State of U.P. & Ors.; AIR 2015 SC 776
(d) Aziza Begum Vs. State of Maharashtra; 2012

22. Which Sec. of The BNSS restricts the court of session from taking cognizance of any offence as a court of original jurisdiction unless the case has been committed to it by a magistrate ?

- (a) Sec 213 BNSS
(b) Sec 214 BNSS
(c) Sec 215 BNSS
(d) Sec 217 BNSS

23. Section 257 BNSS makes provision for :

- (A) Arguments
(B) Entering upon defence
(C) Acquittal
(D) Date for prosecution evidence

24. "Provided that the time included between the first and last of such dates shall not exceed one year" is the provisio of which Sec of BNSS ?

- (a) Sec 235(1) BNSS
(b) Sec 235 (2) BNSS
(c) Sec 236 BNSS
(d) Sec 237 BNSS

25. Discharge of the accused before trial has been provided under which of the following Sec of the BNSS? Choose the correct answer with the help of code given below:

- (1) Sec 250 BNSS
(2) Sec 262 BNSS
(3) Sec 278 BNSS

Code :

- (a) Only (1) is correct.
(b) Only (2) is correct.
(c) Both (1) and (2) are correct.
(d) Both (1) and (3) are correct.

26. The doctrine of Plea bargaining is NOT applicable to offence punishable with:

- (a) imprisonment of 2 years

- (b) imprisonment of 3 years
(c) life imprisonment
(d) imprisonment of 1 years

27. Under the BNSS, examination of witness in the absence of absconded accused can be done under:

- (a) Section 335
(b) Section 360
(c) Section 247
(d) Section 338

28. Which section of BNSS provides protection against double jeopardy or autrefois convict?

- (a) Sec. 441 BNSS
(b) Sec. 444 BNSS
(c) Sec. 337 BNSS
(d) Sec. 338 BNSS

29. An accused person may be a competent witness in his own defence under the BNSS, in:

- (a) Sec 350 BNSS
(b) Sec 351 BNSS
(c) Sec 353 BNSS
(d) Sec 354 BNSS

30. The Court, after the commencement of prosecution evidence, allows the Assistant Public Prosecutor to withdraw the prosecution. The accused shall be:

- (a) Released.
(b) Discharged.
(c) Acquitted.
(d) None of the above.

31. The maxim 'Nemo debet bis vexari pro una et eadem causa' finds place in which of the following Section of the BNSS, 2023?

- (a) Section 337
(b) Section 335
(c) Section 338
(d) None of the above

32. When the accused is aggrieved by the report of the Psychologist as to his unsoundness of mind, he may appeal to-

- (a) Magistrate hearing the case
(b) High Court
(c) Medical Board
(d) Session Court

33. When a person refused to answer or to produce document in the court, then he may be awarded the punishment of imprisonment under Sec 388 of the BNSS

- (a) Upto 6 months
(b) Upto 1 year



- (c) Upto 3 years
- (d) Upto 7 days

34. Section 387 of the Bharatiya Nagarik Suraksha Sanhita, 2023 related to

- (A) When Registrar or Sub-registrar to be deemed a civil court
- (B) Discharge of offender on submission of apology
- (C) Imprisonment or committal of person refusing to answer or produce documents
- (D) None of the above

35. Which one of the following Sections of BNSS deals with the language and contents of judgment?

- (a) Section 392
- (b) Section 393
- (c) Section 395
- (d) Section 394

36. Section 398 of BNSS, 2023 provides for:

- (a) Victim Protection Scheme
- (b) Witness Protection Scheme
- (c) Both Victim Protection Scheme and Witness Protection Scheme
- (d) Neither Victim Protection Scheme nor Witness Protection Scheme

37. Which one of the following Sec of the Criminal Procedure Code provides "Victim Compensation Scheme" ?

- (a) Sec 395 BNSS
- (b) Sec 396 BNSS
- (c) Sec 397 BNSS
- (d) Sec 396(7) BNSS

38. Assertion (A): Where an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal

Reason (R): A person who deliberately pleads guilty cannot be aggrieved by being convicted
Select the correct answer using the code given below :

- (a) Both (A) and (R) are true and (R) is the correct explanation of (A)
- (B) Both (A) and (R) are true and (R) is not the correct explanation of (A)
- (c) (A) is True, but (R) is False
- (d) (A) is False, but (R) is True

39. Ramswaroop is charged and convicted for the theft of the golden chain of Savita. Which of the following statement is correct regarding above illustration?

- (a) Ramswaroop can subsequently charged with and tried for robbery on the same facts.
- (b) Ramswaroop can neither subsequently be charged nor tried for robbery on the same facts.
- (c) However, Ramswaroop can subsequently be charged with for robbery on the same facts but shall be acquitted without trial as per the provisions prescribed under Section 337 of the BNSS.
- (d) After getting prior permission in writing from the District & Sessions Judge concerned, only thereafter, Ramswaroop can subsequently be charged with and tried for robbery on the same facts.

40. Which one of the following Sec of the BNSS deals with the powers of the Appellate Court ?

- (a) Sec 325 BNSS
- (b) Sec 427 BNSS
- (c) Sec 337 BNSS
- (d) Sec 436 BNSS

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**All India Bar Examination XXII Practice
Answer Key (BNSS, 2023)**

Q. No.	Ans.	Q. No.	Ans.	Q. No.	Ans.	Q. No.	Ans.
1.	[c]	11.	[c]	21.	[b]	31.	[a]
2.	[a]	12.	[c]	22.	[a]	32.	[c]
3.	[b]	13.	[a]	23.	[a]	33.	[d]
4.	[a]	14.	[b]	24.	[b]	34.	[b]
5.	[b]	15.	[d]	25.	[c]	35.	[b]
6.	[c]	16.	[c]	26.	[c]	36.	[b]
7.	[c]	17.	[a]	27.	[a]	37.	[b]
8.	[a]	18.	[a]	28.	[c]	38.	[a]
9.	[c]	19.	[b]	29.	[c]	39.	[a]
10.	[b]	20.	[c]	30.	[c]	40.	[b]

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1. Ans. [3]

Linked Provisions:-

1. **Section 2(a) [Sec. 2(c) BNSS]** – Bailable & non-bailable offences.
2. **Section 2(c) [Sec. 2(g) BNSS]** – Cognizable offence.
3. **Section 82(4) (Sec. 84 BNSS)** – Proclaimed offender.

Explanation:- Section 43 of CrPC, 1973, (Sec. 40 BNSS) deals with 'Arrest by private person and procedure on such arrest'. A private person can arrest another person if: he/she commits a non-bailable and cognizable offence, or the person is a proclaimed offender.

2. Ans. [1]

Linked Provision:- Section 1 CrPC (1 BNSS)

Explanation:- For the purposes of Section 1 of the Bharatiya Nagarik Suraksha Sanhita, 2023, "Tribal Area" refers to the territories within Assam that were designated as tribal areas under paragraph 20 of the Sixth Schedule to the Constitution, specifically those that existed immediately before January 21, 1972. This definition excludes areas within the local limits of the Shillong municipality.

3. Ans. [b]

Linked Provisions: -

- **Section 2(1)(i):** The primary definition of "Inquiry" (Old Sec 2(g) CrPC).
- **Section 2(1)(m):** Defines Investigation, which is conducted by a Police Officer or any person authorised by a Magistrate (other than a Magistrate themselves) for the collection of evidence.
- **Section 223:** Relates to the Examination of Complainant. This is a classic example of an Inquiry conducted by a Magistrate to see if a private complaint has merit.
- **Sections 125 to 129:** These involve Inquiries into the "Truth of Information" regarding security for keeping the peace or good behaviour.
- **Section 193:** The stage of Cognizance. Once a Magistrate takes cognizance, any proceeding they conduct to decide whether to issue process (Section 227) or commit the case (Section 232) is an Inquiry.
- **Section 356:** The new provision for Trial in Absentia. The Court's preliminary satisfaction that the accused has absconded is based on a judicial Inquiry.

Explanation: - Section 2(1)(i) BNSS: Defines Inquiry as every inquiry, other than a trial, conducted under this Sanhita by a Magistrate or Court.

The "Who" (Authority): An inquiry can only be conducted by a judicial authority (a Magistrate or a Judge/Court). A Police Officer cannot conduct an inquiry; their role is strictly limited to "Investigation" (Section 2(1)(m)).

The "What" (Nature): An inquiry is a stage that usually happens after the police file a report but before the actual trial begins (e.g., an inquiry into whether there are sufficient grounds to proceed, or an inquiry into a person's mental health).

The "Trial" Distinction: While both are conducted by a Court, a Trial is aimed at determining guilt or innocence, whereas an Inquiry covers all other judicial proceedings (like committal proceedings or bond proceedings).

4. Ans. [a]

Linked Provision:- Sec.25 L/w 24 Cr.P.C. (**Sec. 19 L/w 18 BNSS**)

Explanation: Sec.24 (Sec.18 BNSS)- Public Prosecutors.

Sec.25 (Sec.19 BNSS) - Assistant Public Prosecutors.

Sec. 26 (Sec.21 BNSS) - Courts by which offences are triable.

Sec. 29 (Sec.23 BNSS) - Sentences which Magistrates may pass.

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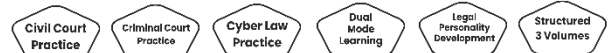
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5. Ans [b]

Linked Provisions:- Sec.9, 13, 21,24 CrPC (8, 11, 15, 18 BNSS).

Explanation:-

- o **Sec.9 crpc (8 BNSS)** deals with Court of session.
- o **Sec.13 crpc (11 BNSS)** deals with special Judicial Magistrate.
- o **Sec.21 crpc (15 BNSS)** deals with Special Executive Magistrate.
- o **Sec.24 Crpc (18 BNSS)** deals with Public Prosecutors.

6. Ans. [C]

Linked Provisions :-

1. **Section 9 (Sec. 8 BNSS)** - Court of Session.
2. **Section 10 (Sec. 8 BNSS)** - Subordination of Assistant Sessions Judges.
3. **Section 409 (Sec. 449 BNSS)** - Withdrawal of cases and appeals by Sessions Judges.

Explanation :- Under **Section 28(3) (Sec. 22 BNSS)** An Assistant Sessions Judge may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years.

Note : Under BNSS Assistant Session Judge provision remove.

Therefore, for a two-year (24 months) substantive sentence, one-fourth equals 6 months, making this the maximum default imprisonment allowable. This is in addition to the substantive sentence, provided the total remains within the Magistrate's overall sentencing powers.

7. Ans[C]

Linked provision-

1. **Sec. 461(sec 421 CrPC)-** warrant for levy of fine
2. **Sec. 23 (section 29 CrPC)- sentencing power**
3. **Sec. 8 BNS(sec 63-70 IPC)-** amount of fine, liability in default of payment of fine

Explanation- Section 30 of the Code of Criminal Procedure, 1973(sec 24 BNSS), authorizes a Magistrate to impose imprisonment in default of fine payment, subject to limits: the term must not exceed the Magistrate's powers under Section 29(sec 23 BNSS), and where a substantive imprisonment sentence is also awarded, it shall not exceed one-fourth of that substantive term.

8. Ans [a]

Linking Provisions:-

1. Sec 71 (Sec 9 BNS)- Limit of punishment of offence made up of several offences. IPC
2. Sec 223(**Sec 246 BNSS**)- Joinder of accused.
3. Sec 219(**Sec 242 BNSS**) - Joinder of charges.

Explanation:- Provisions of Sec 31(**Sec 25 BNSS**) shall apply when a person is convicted at one trial of two or more offences and the court sentences him for such offences to the several punishments consisting of imprisonments for specific offences.

9. Ans. [c]

Linked Provisions:-

1. **Sec.41 (35 BNSS)-** When police may arrest without warrant.
2. **Sec.42 (39 BNSS)-** Arrest on refusal to give name and residence.
3. **Sec.43 (40 BNSS)-** Arrest by private person and procedure on such arrest.
4. **Sec.44 (41 BNSS)-** Arrest by Magistrate.
5. **Sec.46 (43 BNSS)-** Arrest how made.

Provisions relating to arrest and detention in CPC- **Sec.55-59, O.21 R.37-40, O.38 R.1-4 CPC.**

Explanation:- **Sec.46(1) Proviso (Section 43 (1) proviso BNSS)** states that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.

10. Ans. [b]

Linked Provisions:-

1. **Sec.53 (51 BNSS)-** Examination of accused by medical practitioner at the request of police officer.



2. **Sec.53A (52 BNSS)**- Examination of person accused of rape by medical practitioner.
3. **Sec.54 (53 BNSS)**- Examination of arrested person by medical officer.
4. **Sec.161-163 (180-182 BNSS)**- Examination of witnesses by police.
5. **Sec.164A (184 BNSS)**- Medical examination of the victim of rape.

Explanation:- **Sec.54** (53 BNSS) deals with examination of arrested person by medical officer. It states that when any person is arrested, he shall be examined by a medical officer in the service of Central or State Government, and if medical officer is not available then, by a registered medical practitioner soon after the arrest is made. It further provides that if arrested person is a female, then examination shall be made only by or under the supervision of a female medical officer, and if female medical officer is not available then, by a female registered medical practitioner.

11. **Ans[C]**

Explanation-

Assertion (A) is correct under Section 96(1) of the Code of Criminal Procedure, 1973(sec 99(2) BNSS), which allows any person with an interest in a forfeited newspaper to apply to the High Court to set aside the declaration within two months from its publication in the Official Gazette.

Reason (R) is false as Section 96(2)(sec 99(2) BNSS) mandates a Special Bench of three judges only where the High Court has three or more judges; if fewer than three judges, the Bench comprises all available judges of that High Court — not always exactly three.

12. **Ans. [c]**

Linked Provisions :- **Sec.85 (Sec 88 BNSS) L/w 83(Sec 85 BNSS), 84(Sec 87 BNSS), 86(Sec 89 BNSS) Cr.P.C.**

Explanation- **Sec.85(Sec 88 BNSS)** deals with the release, sale and restoration of attached property. **Sec.85(3) (Sec 88 (3) BNSS)** provides that if any person whose property is or has been at the disposal of the State Government within two years from the date of the attachment appears voluntarily or brought before the Court and satisfies the Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, property, or net proceeds of the sale shall be delivered to him.

13. **Ans. [A]**

Linked Provision- **Sec. 94 BNSS 2023** (erstwhile sec 91 CrPC 1973) L/w sec 129,130 BSA, 2023, art 20(3) COI 1950, sec 388 BNSS 2023

Explanation- Section 91 of the Code of Criminal Procedure (CrPC), which empowered a court or police officer to compel the production of documents, has been renumbered as **Section 94 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)**. **The power to compel the production of documents under this section does not apply to the accused.**

14. **Ans. [B]**

Linked Provision-

- **Section 54:** Identification of person arrested.
- **Section 105:** Recording of search and seizure through audio-video electronic means.
- **Section 176:** Procedure for investigation.
- **Section 310:** Record in trial before Court of Session.
- **Section 530:** Trial and proceedings to be held in electronic mode.

Explanation- Section 105 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, introduces a groundbreaking and tech-centric shift in the procedure for search and seizure, which was not explicitly mandatory under the old Code of Criminal Procedure (CrPC), 1973.

Under Section 105 of the BNSS, it is now statutorily mandatory that the process of search and seizure conducted by the police — including the preparation of the list of seized items—must be recorded through audio-video electronic means.

- **The Timeline for Compliance:** The provision further mandates that the police officer must forward such electronic recordings without delay to the Judicial Magistrate having jurisdiction within 48 hours of the search and seizure.
- **Objective:** This reform is intended to prevent tampering with evidence, curb police high-handedness, ensure transparency, and establish a highly reliable digital audit trail for court trials.

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15. Ans. [d]

Linked Provisions:-

1. **Sec.98 (101 BNSS)**- Power to compel restoration of abducted females.
2. **Sec. 200-203 (Sec.223-226 BNSS)**- Complaints to Magistrates.

Explanation- Sec.98 (Sec.101 BNSS)- District Magistrate, Sub-Divisional Magistrate or Judicial Magistrate first class may make an order for the immediate restoration of abducted or unlawfully detained woman, or a female child, for any unlawful purpose, under the age of 18 years, on receiving a complaint on oath.

Note- In **Sec.101 BNSS**, there is no age limit for female child.

Note- This complaint is not a complaint under sec.200 (Sec.223 BNSS).

16. Ans. [c]

Linked Provision- sec 125-129 BNSS 2023

Explanation- sec 129 BNSS (erstwhile sec 110 CrPC) entails that executive magistrate can ask for security for good behaviour from habitual offender. These sections empower Executive Magistrates to require individuals to execute a bond for maintaining peace and good behavior to prevent the commission of future offenses.

17. Ans. [A]

Explanation :- Let's match the provisions correctly under **BNSS, 2023 (Maintenance Provisions):**

1. **Jurisdiction for proceedings** → 2. **Where the person resides or where wife/child resides**
 - Proceedings can be initiated either where the person liable to pay maintenance resides, or where the wife/child resides.
2. **Maintenance of parents** → 3. **Father or mother unable to maintain self**
 - BNSS provides that parents (father or mother) who cannot maintain themselves are entitled to claim maintenance.
3. **Interim maintenance application** → 4. **To be decided within 60 days of service of notice**
 - Interim maintenance applications must be disposed of within 60 days from the date of service of notice.
4. **Maintenance of children** → 1. **Legitimate or illegitimate children unable to maintain self**
 - Children, whether legitimate or illegitimate, who are unable to maintain themselves, are entitled to maintenance.

☞ Thus, the correct matching is: **I - 2, II - 3, III - 4, IV - 1** → Option (A).

18. Ans. [A]

Linked Provisions -

1. **Sec 116(2)** (Sec 135(2) BNSS) - Inquiry as prescribed in summons cases.
2. **Sec 126(2)** (Sec 145(2) BNSS) - Evidence to be taken as in summons cases.
3. **Sec 262** (Sec 285 BNSS)- In summary trial, the trial procedure of summon cases shall be followed.
4. **Sec 251-255**(Sec 274-278 BNSS)- Summons trial.

Explanation - Sec 138(1) (Sec 157 BNSS) - If the person against whom an order has been made under Sec 133(152 BNSS) appears and shows cause against the order, the Magistrate shall take evidence in the same manner as in summons cases.

19. Ans. [B]

Linked Provision-

- **Section 173:** Information in cognizable cases.
- **Section 230:** Supply to accused of copy of police report and other documents.

Explanation- This specific timeline is an important procedural check introduced under Section 173(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (which deals with information in cognizable cases and replaces Section 154 of the old CrPC, 1973).

Under the new BNSS framework, a preliminary enquiry may be conducted in certain categories of cases before registering an FIR to see if a prima facie case exists. If the officer-in-charge of a police station decides that there is no sufficient ground for entering on an investigation because the case lacks gravity or substance, they are statutorily mandated to:

- Inform the informant/complainant of their decision.
- Do so within a strict timeline of 14 days from the date of receiving the information.

This provision ensures accountability and prevents police authorities from sitting indefinitely on complaints without keeping the informant in the loop.



20. Ans. [C]

Explanation :- Analysis of the statements under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS):

1. Correct. - The definition of "complaint" excludes a police report. However, where a police officer submits a report after investigating a non-cognizable offence, such report is deemed to be a complaint, and the investigating officer is deemed to be the complainant.
2. Correct. - When a Magistrate takes cognizance of an offence on a complaint, the Magistrate shall examine the complainant and the witnesses on oath, and the substance of such examination shall be reduced to writing and signed by the complainant, the witnesses, and the Magistrate (subject to statutory exceptions).
3. Incorrect. - The Magistrate is not required to hear the accused before taking cognizance of a complaint. Cognizance is taken ex parte, and the accused gets an opportunity of hearing at later stages as provided by law.
4. Incorrect. - If a complaint is dismissed under Section 226, the Magistrate must record brief reasons for dismissing the complaint. This requirement is not dispensed with merely because the dismissal follows an inquiry or investigation under Section 225.

Therefore, only Statements 1 and 2 are correct.

21. Ans. [b]

Linked Provisions:-

1. Sec.2(c) (2(1)(g) BNSS)- "Cognizable offence".
2. Sec.2(h) (2(1)(i) BNSS)- "Investigation".
3. Sec.154 (173 BNSS)- Information in cognizable cases.
4. Sec.156 (175 BNSS)- Police officer's power to investigate cognizable case.
5. Sec.190 (210 BNSS)- Cognizance of offences by Magistrates.

Explanation- Sakiri Vasu vs. State of U.P. (2008), is a landmark judgement on the powers of magistrate to direct investigation under Sec.156(3)(Sec 175 BNSS). SC stated that any person who is aggrieved by any decision could claim for proper investigation but doesn't have a right to choose a particular agency for that investigation. It further held that the Magistrate under sec.156(3)(sec 175 BNSS) has the powers to order the police to register the FIR and could also monitor the investigation process it wishes to.

22. Ans. [a]

Linked Provisions :-

1. Sec 209(Sec 232 BNSS) - commitment of the case which is exclusive triable by the Court of Session.
2. Sec 323 (Sec 362 BNSS)- Committing the case at any time before the judgment is signed.
3. Chapter 18 (Sec 225-237) (chap. XIX BNSS) (Sec 248-260 BNSS) - Trial procedure by the Court of Session.

Explanation - Sec 193 (Sec 213 BNSS)- Court of Session shall not take cognizance of any case except as expressly provided by this Code or in any other law.

23. Ans. [A]

Linked Provisions:- Section 314 (Sec. 352 BNSS) - Oral arguments and memorandum of arguments.

Explanation: - Under Section 234 (Sec. 257 BNSS), the prosecution shall sum up his case and the accused or his pleader shall be entitled to reply, and if any point of law is raised by the accused or his pleader, the prosecution may with due permission of the Judge make his submission with regard to point of law.

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24. **Ans [b]**

Linking Provisions:-

1. Sec 403(Sec 314 BNS)- Dishonest misappropriation of property. IPC
2. Sec 405 (Sec 316(1) BNS)- Criminal breach of trust. IPC

Explanation:- Sec 212(2) (Sec 235(2) BNSS)- When the accused is charged with criminal breach of trust or dishonest misappropriation of money or other moveable property, it shall be sufficient to specify the dates between which the offence is alleged to have been committed, without specifying exact dates, but the time included between the first and last of such dates shall not exceed one year.

25. **Ans. [c]**

Linked Provisions :- Sec.227(Sec 250 BNSS), 239 (Sec 262 BNSS) CrPC.

Explanation- Sec.227(Sec 250 BNSS) deals with the discharge in trial before Court of session and sec.239 (262 BNSS) deals with the discharge in trial of warrant cases. In both the cases if magistrate is satisfied that there is no sufficient ground to proceed against the accused, he shall discharge the accused before trial.

26. **Ans. [c]**

Linked Provision :- Sec.265A Cr.P.C.(Sec. 289 BNSS)

Explanation: sec.265A Cr.P.C. (Sec. 289 BNSS) - It was inserted by criminal procedure amendment act, 2005 w.e.f. 5-7-2006.

27. **Ans. [a]**

Linked Provisions:- Sec.273 (308 BNSS)- Evidence to be taken in presence of accused. **Sec.299 (335 BNSS)-** Record of evidence in absence of accused.

Explanation:- Sec.299 (335 BNSS) deals with record of evidence in absence of accused. It states that if it is proved that an accused person has absconded and there is no immediate prospect of arresting him, competent court may, in accused's absence, examine the witnesses produced on behalf of the prosecution, and record their depositions.

28. **Ans. [c]**

Linked Provision :- Sec. 300 Cr.P.C. (337 BNSS) L/w Art. 20(2) COI.

Explanation:

Section 400 (Sec. 441 BNSS) - Power of Additional Sessions Judge.

Section 403 (Sec. 444 BNSS) - Option of Court to hear parties.

Section 300 (Sec. 337 BNSS) - Person once convicted or acquitted not to be tried for same offence.

Section 301 (Sec. 338 BNSS) - Appearance by Public Prosecutors.

Sec.300 (Sec.337 BNSS) deals with person once convicted or acquitted not to be tried for same offence. It is based on the maxim "Nemo debet bis vexari pro eadem causa" i.e. no person should be twice vexed for the same offence. It provides that a person who had been convicted/ prosecuted by a competent court for some offence will not be liable to be prosecuted again till the previous conviction / acquittal remains in force.

29. **Ans. [C]**

Linked Provisions:-

1. **Sec 118 IEA**(Sec 124 BSA)- Who may give evidence.
2. **Sec 119 IEA** (Sec 126 BSA)- Evidence of person unable to speak.
3. **Sec 133 IEA** (Sec 138 BSA)- Co-accused competent witness.
4. **Sec 18, 19, 20 IEA** (16,17,18 BSA) Person competent to give admission.
5. **Sec 120 IEA** (Sec 126 BSA)- The husband and wife of the parties in civil proceedings and the husband and wife of the accused in criminal proceedings shall be competent witnesses.

Explanation - Sec 315 (Sec 353 BNSS)- An accused person shall be a competent witness to disprove the evidence against himself and against any other person in the same proceeding.

30. **Ans. [c]**

Linked Provisions:-

1. **Withdrawal from prosecution-** Sec.321 (Sec.360 BNSS).
2. **Withdrawal of charge-** Sec.224 (Sec.267 BNSS) (Effect of withdrawal of charge- acquittal).
3. **Withdrawal of complaint-** Sec.257 (Sec.280 BNSS) (at any time before decision with the permission of the court).
4. **Withdrawal of cases and appeals by Sessions Judges-** Sec.409 (Sec.449 BNSS).
5. **Withdrawal of case from subordinate court by Chief Judicial Magistrate-**Sec.410(Sec.450 BNSS).



6. Withdrawal of case by Executive Magistrate- Sec.411 (Sec.451 BNSS).

Explanation- Sec.321 CrPC (Sec.360 BNSS)- Public Prosecutor/Assistant Public Prosecutor who is in charge of the case, can withdraw the prosecution with the permission of the court anytime before hearing the decision. There are two natures:-

1. Withdrawn before framing of charge- discharge.
2. If withdrawn after framing the charge- acquittal

31. Ans. [a]

Linked Provisions:- Article 20(2) of the Constitution: This is the Fundamental Right that provides: "No person shall be prosecuted and punished for the same offence more than once." (Note: The Constitution only protects against a second punishment, whereas Section 337 BNSS protects against a second trial even after an acquittal).

- **Section 337(2) BNSS:** Provides an exception where a person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made under Section 242(1).
- **Section 242 BNSS (Old Sec 221):** Deals with cases where it is doubtful what offence has been committed; it allows for alternative charges.
- **Section 337(5) BNSS:** Clarifies that the dismissal of a complaint or the discharge of the accused is not an acquittal for the purposes of this section. Therefore, a fresh trial can happen after a discharge but not after an acquittal.
- **Section 119 of the BSA (Evidence Act):** Relates to the "Issue Estoppel" principle, where a finding of fact in a previous trial is binding in a subsequent trial between the same parties.

Explanation: -

The Latin maxim "Nemo debet bis vexari pro una et eadem causa" translates to: "No man shall be twice vexed for one and the same cause." In the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, this principle is embodied in Section 337 (which corresponds to Section 300 of the old CrPC).

1. **The Rule:** A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence.
2. **Pleas of Defense:** This section gives rise to two specific legal pleas:
 - o Autrefois Acquit: I have been acquitted of this before.
 - o Autrefois Convict: I have been convicted of this before.
3. **The Goal:** To prevent the State from using its vast resources to repeatedly prosecute an individual for the same act until a conviction is obtained, thereby ensuring finality in judicial proceedings.

32. Ans [c]

Linked Provisions:-

1. **Sec. 329 (368 BNSS)-** Procedure in case of person of unsound mind tried before Court.
2. **Sec. 328, 330-339 (367, 369-378 BNSS)-** Other Provisions as to accused persons of unsound mind.
3. **Sec. 84 IPC (22 BNS)-** Act of a person of unsound mind.
4. **O.32 CPC-** Suits by or against Minors and Persons of Unsound mind.

Explanation:- Sec. 329 (368 BNSS) deals with procedure in case of person of unsound mind tried before Court. **Sec. 329 (1A) proviso** (368(2) proviso BNSS) provides that if the accused is aggrieved by the information given by the psychiatric or clinical psychologist, to the Magistrate, he may prefer an appeal before the Medical Board.

33. Ans. [d]

Linked Provisions :- Sec. 349 (Sec 388 BNSS) L/w 345(Sec 384 BNSS), 346(Sec 385 BNSS) Cr.P.C.

Explanation- As per Sec.349(Sec 388 BNSS), if any witness or person called to produce a document or thing, refuses to same or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal then, Court may, for reasons to be recorded in writing, sentence him to S.I., or by warrant under the hand of the Presiding Magistrate or Judge commit him to the custody of an officer of the Court for any term not exceeding seven days.

34. Ans. [B]

Linked Provisions:-

1. **Section 384 BNSS** – Procedure of contempt.
2. **Section 385 BNSS** – Procedure where Court considers that case should not be dealt with under section 384.



Explanation:- Section 387 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 deals with the discharge of an offender by a court, allowing for their release or remission of punishment if they comply with the court's order or submit a satisfactory apology after being adjudged guilty or forwarded for trial for contemptuous behaviour like refusal to comply or intentional insults.

35. Ans. [b]

Linked Provisions:-

1. **Sec.235 (258 BNSS)**- Judgment of acquittal or conviction.
2. **Sec.264 (287 BNSS)**- Judgment in cases tried summarily.
3. **Sec.265 (288 BNSS)**- Language of record and judgment.
4. **Sec.265F (294 BNSS)**- Judgment of the Court.
5. **Sec.353 (392 BNSS)**- Judgment.
6. **Sec.354 (393 BNSS)**- Language and contents of judgment.
7. **Sec.362 (403 BNSS)**- Court not to alter judgment.
8. **Sec.363 (404 BNSS)**- Copy of judgment to be given to the accused and other persons.
9. **Sec.364 (405 BNSS)**- Judgment when to be translated.

Explanation:- **Sec.354** (393 BNSS) deals with the language and contents of judgment. It states that every judgment shall be written in the language of the Court and shall mention followings-

- i) Points for determination, the decision thereon and the reasons for the decision;
- ii) Specify the offence (if any) of which, and the section of the IPC(BNS) or other law under which, the accused is convicted, and the punishment to which he is sentenced;
- iii) If it be a judgment of acquittal, state the offence of which the accused is acquitted and direct that he be set at liberty.

36. Ans. [b]

Linked Provisions:- **Section 2(1)(y):** Defines a "Victim" broadly. While Section 398 focuses on witnesses, the rights of victims and witnesses often overlap in practice.

- **Section 356:** Trial in Absentia. This links to witness protection because if a "Proclaimed Offender" is threatening witnesses from hiding, the trial can now proceed without them, reducing the window of time for witness intimidation.
- **Section 530:** Electronic Evidence/Trials. This allows witnesses to testify via audio-video electronic means, which is a form of protection as they do not have to come face-to-face with the accused in court.
- **Section 2(1)(a):** Defines "Audio-video electronic means," which facilitates the safe recording of protected witness statements.
- **Section 173:** The Registration of FIR. The BNSS now allows for "Zero FIR" and electronic registration, which helps witnesses/informants report crimes safely from any location.
- **Witness Protection Scheme, 2018:** Always link Section 398 to this landmark Supreme Court-approved scheme, which served as the blueprint for the new Section 398.

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Explanation: For the first time in Indian criminal procedure, a specific statutory mandate for witness protection has been codified directly into the main procedural law.

1. **The Mandate:** Section 398 requires every State Government to prepare and notify a Witness Protection Scheme for the State.
2. **Purpose:** To ensure that witnesses (the "eyes and ears of justice") can testify freely without fear of retaliation, threats, or intimidation from the accused or powerful interests.
3. **The "Safety Net":** While previous protections existed through Supreme Court guidelines (like the Witness Protection Scheme, 2018), Section 398 gives this a formal legislative status.
4. **Implementation:** The scheme typically includes measures like identity protection, relocation, installation of security devices at the witness's home, and providing a safe passage to court.

37. **Ans. [b]**

Linked Provisions :- Sec.357A (Sec 396 BNSS) L/w 357B (Sec 396(7) BNSS), 357C (Sec 397 BNSS) CrPC.

Explanation-Sec.357A (Sec 396 BNSS) deals with Victim Compensation Scheme. It was inserted by Act 5 of 2009 w.e.f. 31/12/2009. It empowers state govt. to prepare victim compensation scheme in consultation with central govt. for providing compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and requires rehabilitation.

38. **Ans. [a]**

Linked Provisions:-

1. **Sec. 229 (252 BNSS)-** Conviction on plea of guilty.
2. **Sec. 241 (264 BNSS)-** Conviction on plea of guilty.
3. **Sec. 252 (275 BNSS)-** Conviction on plea of guilty.
4. **Sec. 253 (276 BNSS)-** Conviction on plea of guilty in absence of accused in petty cases.
5. **Sec. 372 (413 BNSS)-** No appeal to lie unless otherwise provided.
6. **Sec. 375 (416 BNSS)-** No appeal in certain cases when accused pleads guilty.
7. **Sec. 376 (417 BNSS)-** No appeal in petty cases.

Explanation:- Sec.375 (416 BNSS) deals with no appeal in certain cases when accused pleads guilty. It states that where an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal except as to the extent or legality of the sentence.

39. **Ans. [1]**

Linked Provisions:-

1. **'Autrefois acquit' and 'Autrefois convict' -** 'previously acquitted' and 'previously convicted'.
2. **Article 20(2) of COI -** no person can be put to trial for the same offence twice when he has already been convicted for the same.

Explanation:- Section 300 of CrPC (Sec. 337 BNSS) states that a person cannot be put to trial for the same offence more than once when he has already been convicted or acquitted for the same by a competent court. It puts forth the principle of double jeopardy.

40. **Ans. [b]**

Linked Provisions :-

1. **Sec 28/29(Sec 22/23 BNSS) -** Power of the Court and Magistrate to pass sentence.
2. **Sec 32(Sec 26 BNSS)-** Mode of conferring powers.
3. **Sec 33(Sec 27 BNSS)-** Powers of officers appointed.
4. **Sec 34(Sec 28 BNSS)-** Withdrawal of powers.
5. **Sec 399 (Sec 440 BNSS)-** Sessions Judge's powers of revision.
6. **Sec 401 (Sec 442 BNSS)-** Revisional powers of the High Court.
7. **Sec 406/407/408 (Sec 446/447/448 BNSS)-** Power of Supreme Court, High Court and Court of Session to transfer case or appeal.

Explanation- Sec 386(Sec 427 BNSS)- Powers of the Appellate Court- After perusing such record and hearing the appellant or his pleader, if he appears and the Public Prosecutor, if he appears, and in case of an appeal under Sec 377 or Sec 378, (418 or 419 BNSS) the accused, if he appears, the Appellate Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may pass orders under Sec 386(a), (b), (c), (d) (e).(427 BNSS)

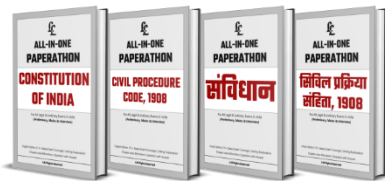


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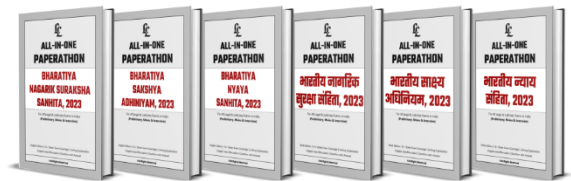
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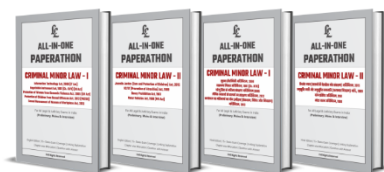
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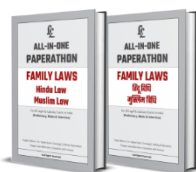
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