

790

2011

Paper - I

CRIMINAL PROCEDURE CODE 1973, INDIAN EVIDENCE ACT 1872

Time : 3 Hours

Maximum Marks : 100

**Note :**

- (i) All questions are **compulsory**.
- (ii) **Question No. 1** carries **20** marks. All other questions carry equal marks i.e. **16** marks each.
- (iii) Your answers must be to the point and wherever possible quoting the specific provisions of law.
- (iv) Do not reproduce any question. Write only question number against the answer.
- (v) "Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book, otherwise he will be penalized."
- (vi) Marks to each question are indicated by figure in the margin on the right hand.
- (vii) Number of optional questions up to the prescribed number in the order in which the questions have been solved, will only be assessed and excess answers of the question/s shall not be assessed.

1. Draft an appeal against the order and judgement of acquittal passed by J.M.F.C. on 5/8/11. Certified copies applied on 6/8/11 and received on 10/9/11. Charge U/S 110, 112 R/W 117 of Bombay Police Act and U/S 85(1) of Bombay Prohibition Act.

20

Brief facts of the prosecution case and reasons for acquittal in judgement, are as follows :

P.T.O.

Complainant police constable and other police staff were on duty from 8.00 P.M. of 9/8/09 to 8.00 A.M. of 10/8/09. At about 11.00 P.M. they heard shouting and abusing to them by a person in front of Police Station. Complainant and other police staff came out of Police Station and saw a person abusing and shouting. On enquiry he told his name and was unable to walk and speak properly and was smelling of alcohol. Since the person was abusing and shouting, the P.S.O. deputed 2 constables to take him for medical examination along with a letter.

Doctor on duty at Civil Hospital, examined the person and gave medical certificate "Smelling and under influence of liquor." The person was brought to police station and police constable lodged the complaint U/S 110, 112 R/W 117 of Bombay Police Act and 85(1) of Bombay Prohibition Act. After registration of case and completion of investigation, charge sheet was filed.

Charge framed and accused pleaded not guilty and claimed to be tried. Prosecution examined 6 (six) witnesses, PW 1 to 5 are police staff and PW 6 medical officer. They corroborated incident of shouting and abusing in front of police station and under influence of liquor. The Ld. J.M.F.C. acquitted the accused on 5/8/11 on the following grounds :

- (i) Police witnesses could not give words used by accused.
- (ii) Urine and blood sample not collected by Doctor.
- (iii) Evidence of witness not consistent.
- (iv) Chain of circumstances not complete.

( 3 )

2. Write short notes on any **four (4)** of the following :
- (a) First Information Report in cognizable cases
  - (b) Public Prosecutors, Assistant Public Prosecutors and Directorate of Public Prosecution
  - (c) Confessional Statement
  - (d) When police may arrest without warrant and further procedure
  - (e) Summons and types of warrants and their service
3. (a) What is tender of pardon to accomplice ? When and who is empowered to tender pardon and its effects ?
- (b) Describe the procedure followed by Court if the accused is a lunatic or of unsound mind. 16
4. Write on any **four (4)** of the following : 16
- (a) Discharge of the accused
  - (b) Suicidal death reported to the police station
  - (c) Compounding of offences
  - (d) Difference between cognizable and non-cognizable offences
  - (e) Charge and its contents
5. Write on any **four (4)** of the following based on illustrations : 16
- (a) Opinion of third person becomes relevant
  - (b) Identification parade
  - (c) Facts which need not be proved
  - (d) Leading questions, when and when not to be asked
  - (e) Public documents and certified copies of public documents
6. Describe the following : 16
- (a) Doctrine of Estoppel
  - (b) Accomplice