

Sr. No. 101403

**2008
PAPER-II**

**Indian Penal Code, Evidence Act,
Code of Criminal Procedure, Essay on Current Legal Topic**

Time : 3 Hours**Max. Marks : 100**

- N.B. :**
- (1) Question Nos. 12 and 13 are *compulsory*.
 - (2) Answer *any six* from the remaining questions.
 - (3) Marks to each question are indicated by figure in the margin on right hand.
 - (4) Number of optional question up to the prescribed number in the order in which questions have been solved, will only be assessed and excess answers of the question/s will not be assessed.
 - (5) "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 penalised".

1. Write short notes on *any two* : 10
 - (a) Criminal intimidation
 - (b) Stoppage of proceeding
 - (c) Criminal conspiracy
 - (d) Examination of accused
2. Discuss the provisions regarding framing of charge ; contents of charge, joinder of charge and alteration of charge. 10
3. What is dowry death ? Explain the presumption u/s 113-B of Evidence Act, when it is to be invoked and what is its effect on burden of proof ? 10
4. Explain the difference between direct and hearsay evidence, state under which circumstances hearsay evidence is admissible and what are the reasons for the same ? 10
5. (a) Who is an accomplice ? How his evidence is to be assessed ? 5
(b) Explain tender of pardon. 5
6. Discuss the difference between cheating, criminal misappropriation and criminal breach of trust. 10

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7. Write short notes on *any two* :
- Public and private documents.
 - Estoppel.
 - Mistake of fact.
 - Provisions for maintenance of wife and children.
8. When police can arrest a person without warrant ? How the arrest is to be effected ? 10
What are the precautions / steps to be taken by police officer, after arrest of a person ?
9. Write short notes on : 10
- Use of the statement recorded by police.
 - Confession made before police and extra - judicial confession.
10. Discuss the three relevant facts. 10
11. (a) What is the criminal trespass ? When it amounts to lurking house tress-pass and 10
house breaking ?
- (b) State the difference between theft and extortion
12. Write an essay on *any one* of the following : 20
- Human trafficking.
 - Use of Narco Analysis, Brain-mapping and Lie Detector test in investigation.
13. Write a judgment on following facts : 20

Specify proper points for determination and give reasons for your conclusion on each point for determination. Conclude the judgment by proper and final order. To the extent it is necessary to elaborate appreciation of oral and documentary evidence, you are at liberty to fill in the details in the case from your imagination.

The prosecution case is as under :

Manish and Neha were studying together in one college at Pune. They fell in love with each other and decided to get married. As both of them were belonging to different caste, they apprehended that their families will not approve. Hence, they decided to run away. On 2/7/08, Neha leaves the house in the morning on pretext of going to college. She meets Manish at Swargate Bus Stand and both of them went in S.T. Bus to Satara. As Neha did not return to the house, her father made inquiry and from her friends he came to know about her love affair with Manish. He lodged complaint against Manish. Police took the search and brought both Manish and Neha to Pune on next day. Both of them were referred for medical examination. Manish was arrested and after completion of investigation, police filed charge-sheet against Manish.

At the trial Neha states her age as running 17 years and admits her love affair with Manish. Her father states her age as running 16 years. Doctor states as per ossification test her age is in between 15 to 17 years.

Defence of Manish was that at the insistence of Neha, he eloped with her.

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