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## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Program: **BB.A.,LL.B.,(Hons.) Corporate Laws**  
**B.COM.,LL.B.,(Hons)Taxation Laws**

Subject (Course): **Criminal Procedure Code, JJ Act  
& Prohibition of Offenders Act**

Max. Marks : 100

Course Code: LLBL 212

No. of page/s: 3

Semester : VI

Duration : 3 Hrs

### Section A (10x1)

Answer all questions

Explain the following in 5-7 sentences stating relevant statutory provisions if any.

1. Inherent Powers of the High Court
2. Charge
3. Witness Protection
4. Zero FIR
5. Inquest Report
6. Plea Bargaining
7. Double Jeopardy
8. Probation
9. Withdrawal from Prosecution
10. Bail under Juvenile Justice (Care and Protection Act)2015

### Section B [10x2]

Answer all questions.

11. The Hon'ble Supreme Court of India in the case of *D.K. Basu v. State West Bengal* laid down certain guidelines in all cases of arrest or detention to prevent custodial violence. Discuss the guidelines in light of statutory procedure of arrest and powers of the Police to

arrest as laid down in the Code of Criminal Procedure, 1973. Discuss the provisions related to search of a place entered by a person sought to be arrested and search of the person to be arrested.

12. Section 164 of the Code of Criminal Procedure, 1973 provides for certain statutory requirements that need to be followed by the Magistrate who records a confession. What are those statutory requirements? What is the fate of the statement when these statutory requirements are not fulfilled? Discuss the objective of the said section and the evidentiary value of the statements recorded therein. Mention relevant case laws.

**Section C [10x2]**  
**Answer all questions**

13. The general rule is “Bail and not Jail” except where there are circumstances suggesting of fleeing from justice. In light of the statement, discuss the objective and constitutional perspective of bail. Differentiate between how bail can be granted in case of bailable and non bailable offences. Analyze and comment on what happens in cases where the accused has been charged with both bailable and non bailable offences.
14. The aspect of Fair Trial goes a long way in securing a stable society leading to a dignified human life. In light of the statement compare and differentiate Sessions Trial and Summary Trial. Analyze the objective of Trial and state whether the objective is the same in both Sessions and Summary Trials?

**Section D [12.5x4]**  
**Answer all questions**

15. Aanandi Sathi, former Chief Minister of Bengal was directed to appear before the Police Station for being examined in connection with a case registered against her by the Vigilance Committee under the Prevention of Corruption Act .On basis of the FIR, investigation commenced wherein she was interrogated with a long string of questions. Thereafter a complaint was filed by the Vigilance under Section 179 Indian Penal Code, 1860 [Section 179 - *Refusing to answer public servant authorized to question.*—*Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand*

*rupees, or with both*] .The magistrate took cognizance and issued summons to Aanandi to appear before him. Aggrieved by the action of the Magistrate, Police and Vigilance she moved to the High Court with plea of unconstitutionality and illegality. In light of the above facts enumerating the parameters of Section 161(2) Code of Criminal Procedure, 1973 decide whether Anandi was bound to answer all the questions put to her during the course of investigation. Whether she had the right to refuse to answer questions *non-incriminatory* in nature? Can the constitutional shield of Article 20(3) protect the accused in Police investigation?

16. Ravindra a Police officer arrested an accused Vaibhav without warrant at *10 am* on 24<sup>th</sup> April, 2018 and detained him. On 25<sup>th</sup> April, 2018 the lawyer of Vaibhav along with brother of accused reached the Police Station at *4.30 pm* arguing that the detention was illegal and violative of Section 57 read with Section 167 of Criminal Procedure Code, 1973. Decide the legality of the detention giving reasons. What is the maximum period for which Vaibhav could be detained if he was an Undertrial Prisoner?
17. “A” was charged under Section 323,325 Indian Penal Code, 1860. Before he could be formally arrested by the Police “A” appeared before the magistrate with his lawyer on his own volition and was granted bail. Later on he was acquitted by the Trial Court .A year later he got selected in the State Services Examination. His appointment was however cancelled on the ground of providing false information in his application form as he had stated therein that he was never arrested or convicted for any offence. A filed a Writ Petition in the High Court against his employers for cancelling his appointment. State your arguments as the lawyer of “A.”
18. Mr. Gurinder Singh was the Minister of Agriculture in the People Party in the State of Madhya Pradesh. Serious allegations of political corruption were made against him. An application was made by him under Section 438, Code Criminal Procedure, 1973, praying to be released. Based on guidelines given by the Hon’ble Supreme Court in landmark cases, decide as the Competent (authority) Court. Are there any conditions that need to be complied in relation to the same? What happens if the conditions are not fulfilled?

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### **Section A (10x1)**

**Answer all the questions**

Explain the following:

1. Warrant Case
2. Charge Sheet
3. Inherent Powers of the High Court
4. Witness Protection
5. Zero FIR
6. Inquest Report
7. Plea Bargaining
8. Double Jeopardy
9. Victim
10. Bail under Juvenile Justice (Care and Protection Act)2015

### **Section B [10x2]**

**Answer both the questions**

11. The general rule is “Bail and not Jail” except where there are circumstances suggesting of fleeing from justice. In light of the statement, discuss the objective of and constitutional perspective of bail. Differentiate between how bail can be granted in case of bailable and non bailable offences.

12. Discuss the provisions related to search of a place entered by a person sought to be arrested and the person sought to be arrested. Is arrest same as Custody? Comment

**Section C [10x2]**

**Answer both the questions**

13. Analyze the term Fair Trial. Compare and differentiate Warrant Case Trial and Summons Case Trial.
14. Analyze the statutory requirements of Section 164 of the Code of Criminal Procedure, 1973 in light of case laws and critically evaluate the evidentiary value of the statements recorded.

**Section D [25x 2]**

**Answer all questions**

15. Mr. Hardayal Singh was the Minister of Information and Broadcasting in the State of Punjab .Grave allegations of corruption were made against him. Applications were made for Anticipatory Bail. As Competent Authority decide whether Bail can be granted. What are the factors that have been considered by you in exercise of your discretionary powers?
16. Medhavi Menon former Chief Minister of Orissa was directed to appear at the Police Station for being examined in connection with a case registered against her by the Vigilance Committee under the Prevention of Corruption Act .On the basis of FIR, investigation commenced wherein she was interrogated with several questions. Thereafter a complaint was filed by the Vigilance under Section 179 Indian Penal Code, 1860 which states [Section 179- *Refusing to answer public servant authorized to question.*—Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both] .The magistrate took cognizance and issued summons for appearance of the accused. Aggrieved by the action of the Magistrate, Police and Vigilance she moved to the High Court with plea of unconstitutionality and illegality. Enumerate the parameters of Section 161(2) Code of Criminal Procedure 1973 and decide whether accused was bound to answer all the questions put to her during the ourse of investigation. Can Article 20(3) of the Constitution protect the accused in investigation?