


Name: Enrolment No:			
UPES End Semester Examination, May 2023			
Course: Program: Course Code:		Semester: Time : 03 hrs. Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Cognizance of an Offence on a Complaint is taken by the Magistrate under Section: A. Section 190 (1) (a), Cr. P. C. B. Section 190 (1) (b), Cr. P. C. C. Section 190 (1) (c), Cr. P. C. D. None of the Above	2	CO1
Q 2	The chapter on Plea Bargaining does not apply where an offence is committed: A. Against Socio-Economic Condition of the Country B. Against Women C. Against Children below 16 years of Age D. Both (A) and (B) E. (A), (B) and (C)	2	CO1
Q 3	A proclamation requiring a person to appear must be published giving A. not less than 30 days time to the person concerned B. not less than 10 days time to the person concerned C. not less than 20 days time to the person concerned D. (d) not less than 15 days time to the person concerned.	2	CO1
Q 4	Error or omission in framing of charge A. is material in all circumstances shall vitiate the trial B. is material only if it has occasioned a failure of justice to the accused C. is material and the accused is liable to be acquitted D. both (A) & (C).	2	CO1

Q 5	<p>Session court can impose death penalty on a convict, subject to its confirmation by the HC.</p> <p>A. True B. False C. Partly True D. None of the above</p>	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	What are the ways of process to compel a person to appear in Court. How long does a warrant of arrest remains in force?	5	CO2
Q 7	What is summary trial? What offences may be tried summarily and by whom?	5	CO2
Q 8	What is meant by taking cognizance of an offence? Under what circumstances cognizance can be taken and by whom?	5	CO2
Q 9	Mention circumstances under which an appeals from convictions in a criminal case lies to the High Court.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	<p>“The right to personal liberty is not absolute; it can be curtailed to maintain a balance between individual interest and interest of society at large. The procedure provided under the Code of Criminal Procedure to curtail the liberty of a person ensures that a person is not unreasonably detained if his detention is not required for securing ends of justice. A person can be released on bail if his release would not defeat the ends of justice.”</p> <p>In the light of the statement analyze the power of Magistrate to grant bail in Non-Bailable Cases by citing the relevant provisions of Cr. P. C.</p>	10	CO5
Q 11	Under what circumstances is a Magistrate empowered to take action in connection with disputes concerning immovable property under Section 145 of the Code of Criminal Procedure, 1973? Analyze.	10	

SECTION-D
(2Qx25M=50 Marks)

Q 12	<p>Situation – On 28-8-2018, X, was arrested from his residence in Delhi by the Pune Police on the basis of an FIR registered in Pune. The FIR accused ‘X’ of an offence relating to terrorist activities which is punishable more than 10 years of imprisonment under Unlawful Activities (Prevention) Act, 1967. After his arrest, the Pune Police directly took the accused before the Chief Metropolitan Magistrate (CMM) of Pune without producing him before the CMM of Saket, Delhi.</p> <p>Later on, the Chief Metropolitan Magistrate (CMM) of Pune immediately remanded the accused ‘X’ for 3 days of Judicial Custody and thereafter considering the request of Police custody, remanded the accused ‘X’ for 14 days of police remand. In the meanwhile, the accused filed bail application before the Magistrate, which the Magistrate Court rejected. After the expiration of the police remand, the Magistrate further authorized the detention of the accused person in Judicial custody for 14 and directed the police to file the charge sheet within the stipulated time frame required by the law. Meanwhile, the police stated there was another accomplice of X, called Z, involved in the crime, and needed more time to interrogate X about Z’s whereabouts.</p> <p>Thereafter, the Magistrate keeps on extending the judicial custody of the accused till the time required to file a charge sheet in such crime. However, the Police failed to file the chargesheet within stipulated time frame required by the law in such crime, accordingly requested an extension to file the chargesheet and the remand of the accused. On the contrary, the accused filed the bail application citing delay in filing the chargesheet within stipulated time frame required by the law in such crime, but magistrate refused and sent the accused to judicial custody for further 7 days. In the light of above answer the following questions:</p>	25	
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	<p>1. Is it correct on the part of Pune Police to directly produce the accused person before the Chief Metropolitan Magistrate (CMM) of Pune without producing him before the CMM of Saket, Delhi for seeking remand? Answer with reason (Marks 5)</p> <p>2. What is the stipulated time frame under the law to file the charge sheet in such crime? Is the Magistrate authorized to extend the remand of the accused on the request of the Police when the Police failed to file the chargesheet within the stipulated timeframe which is required by the law? Answer with reason (Marks 10)</p> <p>3. State what legal remedy is available to the accused 'X' when the police failed to file the chargesheet within the stipulated timeframe? (Marks 5)</p>		
Q 13	<p>Aditya, an Officer in charge of a police station (SHO) in Dehradun received an information around 11:15 pm that an American Tourist named Olivia, aged around 20 years, has been raped by three persons in the Waiting Room of ISBT, Dehradun at around 10:45 pm.</p> <p>The informant, named Kartik, told the police that the victim is at the scene of crime and the perpetrators of the crime has fled from the spot. An FIR was registered at 11:30 pm based on the information received and the SHO appointed Sub-Inspector Dinesh Kumar (IO) as the investigating officer in the case.</p> <p>Dinesh Kumar (IO) decides to proceed to the spot for the purpose of investigation. The IO reached the crime scene at 11:50 pm and found the victim therein who was a mentally challenged woman. He found blood drops on the floor at the crime scene where the rape was committed, a wallet containing an ID card, a sim card, pieces of torn clothes.</p> <p>A. Discuss the procedure to be followed by the SHO after registration of FIR.</p>	5+10+ 10=25	

	<p>B. What are the duties of the IO in relation to the recording of statement of a mentally challenged rape victim and her medical examination? Cite the relevant provisions and case laws (if any).</p> <p>C. The IO takes the victim, Olivia to the Jurisdictional Magistrate, Dehradun for the purpose of recording her statement under S. 164, Cr. P. C. The Magistrate also noted that the victim is a mentally challenged woman. Discuss in detail the duty of the Magistrate and the procedure to be followed by the Magistrate to record the statement of Victim, Olivia.</p>		
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