


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, May 2023			
Course: Law of Crimes II: Cr. P. C. Program: B.Tech. LL.B. Course Code: CLCC3039		Semester: VI Time: 03 hrs. Max. Marks: 100	
Instructions: All questions are mandatory.			
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	The law relating to ‘Appointment of Assistant Public Prosecutor’ is provided in: A. Section 24, Cr. P. C. B. Section 25, Cr. P. C. C. Section 26, Cr. P. C. D. Section 27, Cr. P. C.	2	CO1

Q 4	Dismissal of Complaint by Magistrate is provided in which of the following sections of Cr. P. C.: a) Section 200, Cr. P. C. b) Section 202, Cr. P. C. c) Section 203, Cr. P. C. d) Section 205, Cr. P. C.	2	CO1
Q 5	In a Sessions trial, in case the accused is convicted, the accused is to be heard by the Court on question of sentence. Which of the following sections provide for this rule? a) Section 225, Cr. P. C. b) Section 232, Cr. P. C. c) Section 235, Cr. P. C. d) Section 236, Cr. P. C.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Write a short note on 'Dispersal of Unlawful Assemblies'. Cite the relevant legal provision.	5	CO2
Q 7	Write a short note on 'Committal Proceedings' by the Magistrate. Cite the relevant provisions of law.	5	CO2
Q 8	Write a short note on 'Declaration of an accused as a Proclaimed Offender' under Cr. P. C.'. Cite the relevant provision of law.	5	CO2
Q 9	Write a brief note on the 'Joinder of Charges' under Cr. P. C. and cite the relevant provisions. OR Comment on 'Recovery of arrears of Maintenance under S. 125 Cr. P. C'.	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 critically elaborate on the <i>power of Magistrate to grant bail in Non-Bailable Cases</i> by citing the relevant provisions of Cr. P. C. Support your answer by relevant case laws as well.</p>	10	CO4
Q 11	<p>“The order of summoning a person to face a criminal charge in complaint cases has serious ramifications. Therefore, the order for summoning the accused in a complaint case must not be passed unless there are grounds for doing so and the court must be satisfied that a prima facie case is made out against the accused.”</p> <p>Elaborate on the statement and discuss in detail the procedure to be followed by the Magistrate on receipt of Complaint. What all steps are to be taken by the Magistrate to decide whether the accused is to be summoned in the complaint case or not?</p> <p style="text-align: center;">OR</p> <p>“As per the Indian Penal Code, the policy of the law is that the offences of serious nature must be tried by a higher criminal court. The Code of Criminal Procedure, 1973, as a law of procedure, lays down the manner of conduct of trial by the Court of Sessions.”</p>	10	CO4

	<p>In the light of the statement elaborate on the law relating to trial by Court of Sessions by citing the relevant provisions of law. Also discuss in brief the difference between Charge and Discharge.</p>		
<p>SECTION-D (2Qx25M=50 Marks)</p>			
<p>Q 12</p>	<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. (5 Marks)</p> <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). (10 Marks)</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</p>	<p>25</p>	<p>CO3</p>

	<p>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. (10 Marks)</p>		
Q 13	<p>“The Code of Criminal Procedure, 1973 confers the police officer the power to examine orally, during investigation of cognizable case, all those persons who appears to him to be acquainted with the facts of the case. The accused can be charged based on such statements and can be tried thereupon.”</p> <p>In the light of the above statement elaborate on the power of the investigating officer to examine witnesses during investigation and the procedural requirements to be complied with while recording such statements. (15 Marks)</p> <p>Whether a person is bound to answer all the questions put to him by the police during such examination? What would happen if a witnesses refuses to answer or answers falsely to the question put to him by the investigating officer. (10 Marks)</p>	25	CO3