

Name:	
Enrolment No:	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2018**

**Course: Criminal Procedure Code, Juvenile Justice Act & Probation of Offenders Act**

**Course Code: LLBL 212**

**Semester: V**

**Programme: B.A., LL.B. (Hons.) Criminal Law/Labor Law/Constitutional Law/Energy Law**

**Time: 03 hrs.**

**Max. Marks: 100**

**SECTION A**

(Attempt all questions. Each questions carry equal marks)

**Objective Type Questions**

**(1x10=10 Marks)**

**10  
Marks**

i)	Criminal trial: a. should always be held in open court b. If held in a private house or inside a jail or anywhere it shall not be open to public. c. Both (a) and (b) above d. None of the above		<b>CO1</b>
ii)	A court has no knowledge about the document or thing to be in the possession of any person. Whether the court can issue search warrant in such condition: a. No b. only in such condition when it is known about the specific article. c. Yes d. when specific place or person is specified.		<b>CO1</b>
iii)	The Magistrate of the second class empowered to try summarily any offence which is punishable only with _____ or with imprisonment _____ (Fill in the blank)		<b>CO1</b>
iv)	The plea bargaining shall be available to the accused charged of any offence and offences punishable with death or imprisonment or for life or of an imprisonment for a term exceeding seven years.(True/False)		<b>CO1</b>
v)	Bail once granted can never be cancelled. (True/False)		<b>CO1</b>
vi)	In how many years the government can commute a sentence for imprisonment for life? a. 18 years b. 21years c. 15years d. 14 years		<b>CO1</b>
vii)	When the Session Judge or the High Court calls for to examine the record of any proceeding before any inferior criminal court, it is known as:		<b>CO1</b>

	<ul style="list-style-type: none"> <li>a) Reference</li> <li>b) Review</li> <li>c) Revision</li> <li>d) None of the above</li> </ul>		
viii)	<p>Criminal Procedure Code does not have provision regarding:</p> <ul style="list-style-type: none"> <li>a. Reference</li> <li>b. Review</li> <li>c. Revision</li> <li>d. All of the above</li> </ul>		<b>CO1</b>
ix)	<p>Summons is a very milder form of process issued</p> <ul style="list-style-type: none"> <li>a. for enforcing the appearance of the accused or of a witness</li> <li>b. for production of a document or thing</li> <li>c. It is relates to a less serious offence</li> <li>d. All of the above</li> </ul>		<b>CO1</b>
x)	<p>When any Magistrate , not being empowered by law, if passes a sentence, under section 325, on proceedings recorded by another Magistrate, his proceeding shall be _____(Fill in the blank)</p> <p>_____</p>		<b>CO1</b>

**SECTION –B**

	<p><b>(Attempt any four questions. Each questions carry equal marks)</b></p> <p><b>(4x5=20Marks)</b></p>	<b>20 Marks</b>	
xi)	<p>What is the objective and significance of making provision in the criminal procedure code for maintenance of certain persons? Under what circumstances and by whom maintenance can be claimed.</p>		<b>CO1</b>
xii)	<p>Examine the procedure for search and seizure under the Cr.PC, 1973 in the light of Constitutional protection guaranteed to an accused.</p>		<b>CO1</b>
xiii)	<p>Explain the circumstances in which appeal lies before the court. Whether appeal can be preferred against the judgement of Plea bargaining? Differentiate between appeal and revision.</p>		<b>CO1</b>
xiv)	<p>Explain broadly the distinction between</p> <ul style="list-style-type: none"> <li>(i) A trial before a Court of Session and</li> <li>(ii) A trial in a warrant case by a Magistrate.</li> </ul>		<b>CO1</b>
xv)	<p>Define the term “Juvenile in conflict with law”. Explain the constitution and working of Juvenile Court.</p>		<b>CO1</b>

**SECTION-C**

	<b>(Attempt any four questions. Each questions carry equal marks)</b> <b>(4x5=20Marks)</b>	<b>20 Marks</b>	
xvi)	“Probation of Offenders Act being a special legislation should be given precedence over Sec.360 Cr PC.” Explain.		<b>CO1</b>
xvii)	X absconds after committing a crime. How can he be compelled to appear before the court? What action may be taken by the court if B does not appear?		<b>CO1</b>
xviii)	A certain amount of money was received by the accused for getting a well-constructed in his capacity as Assistant Block Development Officer. The money was misappropriated as no well was constructed. The alleged offence under section 409IPC appears to have been committed. Affected parties presented a complaint to the magistrate. Whether the magistrate is empowered to take cognizance of the offence? Explain. Also, Explain the limitations on the power of Magistrate to take cognizance and bar to take cognizance of an offence after lapse of limitation period.		<b>CO1</b>
xix)	A person kidnaps a minor girl for the purpose of procuration, and wrongfully confines her at a certain place, then such a person would be guilty of having committed three distinct offences under section 342 IPC, 365 IPC and 366-A IPC.  “For every distinct offence there should be a separate charge and every charge should be tried separately.” Explain in the light of above mentioned problem.		<b>CO1</b>
xx)	Who can record the confession of an accused? What precautions should be taken while recording the confession of an accused? What is the evidentiary value of a duly recorded and voluntary confession?		<b>CO1</b>
<b>SECTION-D</b>			
	<b>(Attempt all questions. Each questions carry equal marks)</b> <b>(5x10=50Marks)</b>	<b>50 Marks</b>	

xxi)	The Publication of a newspaper containing material punishable under section 124-A and 153-A of the IPC, is prohibited by the State Government. The editor, to set aside the order of <b>the</b> Government submits application before the High Court. The matter was decided by a Bench of 2 Judges. Decide.		<b>CO2</b>
xxii)	SDM at the instance of officer in charge of police station passed order under section 144 by which the petitioner's puja committee and others were prohibited from taking out immersion procession of goddess <i>durga</i> and passing in front of two mosques in the concerned village playing with any music or musical instruments on <i>vijayadashmi</i> day.  a) Whether the magistrate has the right to interfere with the fundamental rights guaranteed under article 25, 26 of the Constitution of India? Explain		<b>CO2</b>
xxiii)	An accused is arrested in a bailable offence and he is released on bail. During trial he absconds and non-bailable warrants are issued against him. The police arrest him and produces him before the court. The Defence counsel pleads for his release on bail under section 436 (1) CrPC which provides that a person accused of a bailable offence shall be released on bail. Can the court, in such circumstances refuse to release him on bail? Give reasons briefly.		<b>CO2</b>
xxiv)	In a case relating to double murder. First information report was recorded at about 1pm. But it was allegedly suppressed by prosecution as names of assailants were not known. Second information was allegedly made at about 4.45pm. The prosecution relied on eyewitness account and two oral dying declaration made by deceased. The incident occurred because of some land dispute between the parties' .One of the accused poured kerosene oil and the other one set fire in the presence of neighbors. Thereafter assailants ran away from the house and neighbors extinguished fire and covered the deceased with blanket and took her to hospital. The trial court acquitted the accused because in its view the prosecution story was built on the assumption that relation between the parties were strained. Suggest the remedy.		<b>CO2</b>
xxv)	The deceased Bhanwar Singh was a <i>Riksha</i> puller and he used to bring customers to the guest house owned by Ashok Kumar, who paid him commission. Sometimes Bhanwar Singh used to stay in the garage of the guest house. On 25 <sup>th</sup> Feb. 2012 he made a demand of his		<b>CO2</b>

commission, a huge amount of which had fallen due and a dispute took place. At about 12.30 a.m. in the night, Dileep Kumar and Rajesh Kumar who were servants of Ashok Kumar strangled Bhanwar Singh by tying a bed sheet around his neck. At that time the owner sat over the chest of the deceased and caught his hands so that he may not offer any resistance. Two constables passing in front of the guest house heard the shrieks raised by the deceased. They entered the house and saw the incident happening in garage. They caught hold of servants but the owner managed to escape. One of the constables gave information about the incident at about 1 a.m. to the police post by telephone. Sub inspector then came to the spot and recorded the statement of the constable on the basis of which an F.I.R. was registered at 2.20 a.m. on 25<sup>th</sup> of Feb. 2012.

(a) Whether telephonic message about the incident amounts to FIR.? Explain. Also, explain the evidentiary value of FIR.

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**Time: 03 hrs.** **Max. Marks: 100**  
**Instructions:**

**SECTION A**

S. No.		Marks	CO
	<b>(Attempt all questions. Each questions carry equal marks)</b> <u><b>Objective Type Questions</b></u> <b>(1x10=10 Marks)</b>		
i)	Anticipatory Bail can be granted by:  (a) High Court (b) Sessions Court (c) CJM Court (d) Both (a) and (b)		<b>CO1</b>
ii)	In case of non-bailable offences, to grant or not to grant bail is the ‘discretion’ of the court. (True/False)		<b>CO1</b>
iii)	Whether any Criminal Court can impound any document produced before it.(Yes/No)		<b>CO1</b>
iv)	Section 200 provides that a Magistrate taking cognizance of an offence on a complaint shall examine upon oath _____ and		<b>CO1</b>
v)	At least _____ independent and respectable inhabitants of the locality in which the place to be searched is situated is/are necessary for a search with warrant. (Fill in the blank)		<b>CO1</b>
vi)	Under section 433-A,Cr.P.C., a prisoner cannot be released unless he has undergone actual imprisonment of: a) 10 years b) 12 years c) 14 years d) 20 years		<b>CO1</b>
vii)	Enforcement of order of maintenance is provided under section:  (a) 127 (b) 128 (c) 129 (d) 125		<b>CO1</b>

viii)	The offence of 'bigamy' (sections 494/495 IPC) can be tried in a court within whose jurisdiction:  (a) The offence was committed (b) The offender last resided with his (or her) spouse by the first marriage (c) The wife by the first marriage has taken up permanent residence after the commission of the offence. (d) all of the above		<b>CO1</b>
ix)	A general warrant of arrest can also be issued to compel the presence of persons. (True/False)		<b>CO1</b>
x)	A summon issued by a court must be in: a) Duplicate b) Triplicate c) Writing and duplicate d) Writing and triplicate		<b>CO1</b>

**SECTION -B**

	<b>(Attempt all questions. Each questions carry equal marks)</b>  <b>(4x5=20Marks)</b>	<b>20 Marks</b>	
xi)	Explain the procedure to compel the appearance of person before a court.		<b>CO1</b>
xii)	a) Examine the circumstances in which a person accused of the commission of any non- Bailable offence can be released on bail. b) Explain the situations in which anticipatory bail can be granted.		<b>CO1</b>
xiii)	Explain the main features of Juvenile Justice Act, 2015. Explain the constitution and working of Juvenile Court.		<b>CO1</b>
xiv)	Explain briefly limitations imposed by the code on the unfettered powers of Magistrates to take cognizance of offences under section 190.		<b>CO1</b>

**SECTION-C**

	<b>(Attempt all questions. Each questions carry equal marks)</b>  <b>(4x5=20Marks)</b>	<b>20 Marks</b>	
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xv)	A private complaint has been filed u/s 200 Cr.PC against the accused under section 420 and 406 IPC. An application was also made for the production of the fiat car. The accused contended that the court has no power to issue the search warrant for the production of the car. It was rejected by the Magistrate. Decide the legality of the order passed by the Magistrate.		<b>CO2</b>
xvi)	Probation of Offenders Act being a special legislation should it not be given precedence over Sec.360 CrPC? Comment.		<b>CO1</b>
xvii)	<b>A</b> committed an offence at Calcutta. He then came to Delhi. Whether <b>A</b> can be arrested in Delhi? If yes, can <b>A</b> be granted bail in Delhi ? Explain.		<b>CO2</b>
xviii)	A complaint was made by the respondent for offences punishable under Sections 406 and 420 of IPC. The complainant died during the pendency of trial. Application was filed by the sons of deceased for permitting them to continue prosecution.  a) Which court is having jurisdiction to try offence?  b) Whether sons are having right to represent deceased?		<b>CO1</b>
<b>SECTION-D</b>			
	<b>(Attempt all questions. Each questions carry equal marks)</b> <b>(5x10=50Marks)</b>	<b>50 Marks</b>	
xix)	There were sufficient documents and evidence indicating that prima facie charges were made out against the accused but those documents and evidence were neither referred to nor considered and the magistrate discharged the accused on the ground that nobody represented the state including the official entrusted with the work of supervising the state litigation or any advocate including the government counsel.  a) Whether the discharge made by the magistrate is liable to be set aside?  b) Differentiate between discharge and dismissal of complaint.		<b>CO2</b>



xx)	In a locality due to open drains, a heap of dirt, pits and public excretions by humans for want of lavatories and consequential breeding of mosquitoes, the residents were having discomfort and were facing health hazards as well. Is there any relief available to the residents? If yes, give reasons to support your answer.		<b>CO2</b>
xxi)	A girl was raped by her late husband's brother. The incident having occurred in a village, it was first tried to be settled within the walls of the family the next day. When it failed, her in laws or no male family members agreed to accompany her. However, she got the moral support from the village <i>Panch</i> and she proceeded to police station to report the matter  (a) What is FIR? Whether delay in lodging FIR affects the prosecution case? What is its evidentiary value?		<b>CO2</b>
xxii)	Rani obtained possession of Meera, a minor girl and employed her for the purposes of prostitution. Rani subsequently obtained adoption of Gauri, another minor girl from her parents. Rani and the parents of Gauri were charged together under sections 372 and 373 of IPC. The charges related to both the girls. Can the two charges be tried together? Explain.		<b>CO2</b>
xxiii)	The Chief judicial Magistrate of Allahabad granted bail to an M.L.A. as he was apprehending arrest in a murder case and issued necessary directions. Examine the validity of the order of the CJM in the above mentioned case.		<b>CO2</b>