

Maximum Marks:100

Time: 2 hours

Note:

- (i) Credit will be given to the answers supported with case laws and relevant provisions of law.
 - (ii) The candidate has a choice to answer the questions either in Hindi or in English.
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DRAFT CHARGE/ISSUES

Q. 1. (a) Draft a 'charge' of an offence punishable under Section 376-B of Indian Penal Code, 1860.

(5 marks)

(b) Kindly frame issues in a suit filed by the plaintiff against the defendant for partition of their ancestral house. You are at liberty to imagine the facts by yourself.

(5 marks)

Criminal Procedure Code

Q. 2. When can Session Judge transfer the case and appeal? Can a Session Judge withdraw or recall any case or appeal from Additional Session Judge or Chief Judicial Magistrate subordinate to him? Support your answer with relevant provision of law.

(10 marks)

Q. 3. (a) In a complaint case the complainant, on a date fixed is absent. Counsel for the accused urged that the complaint be dismissed and accused be acquitted. Counsel for the complainant argued that there was nothing to be done as summons for the doctor, for whose evidence, the date was fixed, had not been issued by the office of the court despite deposit of process fee by the complainant therefore he prayed that the case be adjourned to some other date. Please decide the issue with support of relevant provision of law and citation.

(5 marks)

(b) Can there be a Joinder of charge in a trial under following circumstances. Support your answer with relevant provisions of law.

(i) A commits theft on four occasions in 1986 of which two are punishable under section 379 I.P.C. and the other two under Section 380 of I.P.C. **(2 ½ marks)**

(ii) A attempts to rescue B from the custody of police and while making such attempts causes grievous hurt to a constable C and simple hurt to constable D. **(2 ½ marks)**

Q. 4. What is a Police Diary? State the object and use of such diary. Can accused use the case diary and to what extent. **(10 marks)**

Civil Procedure Code

Q. 5. What are the powers of a Civil Court in regard to the appointment of a Commissioner? Has a court inherent powers under section 151 Cr.P.C. to appoint a Commissioner? **(10 marks)**

Q. 6. (a) What is the doctrine of restitution? Has a court inherent power to grant restitution? **(6 marks)**

(b) A obtained a decree against B for possession. B filed an appeal against the decree and obtained stay against delivery. The appeal was allowed and the suit was dismissed. Against the dismissal A preferred second appeal and that was allowed and decree of trial court was restored. A applied in restitution for mesne profits from the day of stay order of first appellate court to the date of the decree of second appellate court. Is A entitled to the Mesne Profits so claimed.

(4 marks)

Q. 7. Write short notes on :-

- (A) Mesne Profits **(2 marks each)**
- (B) Foreign Judgment
- (C) Judgment Debtor
- (D) Decree holder
- (E) Legal Representation

Evidence Act

- Q. 8. (a) What is the Rule of Res Gestae? **(6 marks)**
- (b) A after learning that C had been murdered went to the spot and found that body of C was being taken to the house of C by four persons who hold him that B had murdered C and had run away. Does the statement of four persons forms part of Res Gestae. **(4 marks)**
- Q. 9. (a) How are facts showing the existence of state of mind relevant when existence of such state of mind is in issue. **(6 marks)**
- (b) A is accused of murdering a woman X. It is sought to be proved that two years ago he murdered his wife Y and so had the mens rea to murder X. Is the evidence relevant and admissible? **(4 marks)**
- Q. 10. Define and explain the law of 'Estoppel' as laid down in Indian Evidence Act. Discuss its kinds. **(10 marks)**