

Paper - IV
**WRITTEN EXAMINATION FOR RECRUITMENT TO GRADE -III
OF
JUDICIAL SERVICE
2011**

LAW PAPER-II

Full Marks: 100

Time : 3 Hours

1. Identify the right answer : 5x1

(i). A is at work with a hatchet; the head flies off and kills a man who is standing by. What offence is committed by A in this situation?

- (a) A has committed the offence of culpable homicide.
- (b) A has committed the offence of culpable homicide not amounting to murder.
- (c) A has committed no offence as it was an accident.
- (d) A has committed no offence as use of hatchet was a necessity of his livelihood.

(ii). What is the age of child if he is to be exempted from criminal liability'?

- (a) Below 10 years (b) Below 7 years
- (c) Below 6 years (d) Below 12 years

(iii) Defence of insanity is developed on which of the following?

- a) Automatism (b) McNaughten's Rules
- c) Irresistible impulse (d) Equivocality test

(iv). Which one of the following statements regarding Section 34 and 149 of the Indian Penal Code is correct?

- (a) Common intention and common object are the same.
- (b) Both are distinct offences in themselves.
- (c) Section 34 enunciates a mere principle of liability, and creates no offence, while Section 149 creates a specific offence.
- (d) Sections 34 and 149 are mutually helping Sections.

P.T.O.

(v). With an intention to kill B, P administers sugar mistaking it for arsenic:

- a) P has committed no offence.
- b) P is liable for attempt to murder.
- c) P is liable for attempt to culpable homicide.
- d) P is liable for attempt to grievous hurt.

2. Write short notes on the following: 5
 (a) Mens rea (b) Dishonesty (c) Criminal Intimidation (d) Document
 (e) Electronic Record.
3. What is culpable homicide? When does culpable homicide amount to murder and when does it not amount to murder? Illustrate. 5
4. Distinguish between (any two) : 2 ½ x2
 (a) Theft and Extortion, (b) Criminal Misappropriation and Criminal Breach of Trust (c) Preparation and Attempt to commit a crime.
5. What is an unlawful assembly as defined in I.P.C. 5
 Assess the criminal liability, if force or violence is used by any member of unlawful assembly? 5
6. Explain the ingredients of abetment? What is the consequence when one offence is committed and another offence is abetted? 5.
7. Identify the right answer : 5x1

(i) **A confessional statement recorded in accordance with the procedure prescribed by section 164 Cr. P.C. -**

- (a) Can be used as substantive evidence without being formally proved.
- (b) Cannot be used as substantive evidence at all.
- (c) Cannot be used as a substantive evidence without being formally proved.
- (d) None of the above.

P.T.O.

