

THE GUAHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main written examination for direct recruitment to Grade-III of Nagaland Judicial Service, 2018

Date: 19-01-2019 (Saturday)

Time: 1.00 pm to 4.00 pm

Total marks: 100

Duration: 3 (Three) hours

PAPER- IV

INDIAN PANEL CODE

25 MARKS

1. Answer any five of the following - (2 X5=10)
- i) What is unlawful assembly? When unlawful assembly is rioting?
 - ii) What is trafficking of a person and exploitation of a trafficked person?
 - iii) What constitute the offence of rape? Explain the essential ingredients of rape.
 - iv) Define theft. When theft becomes robbery?
 - v) What is the essence of the offence under Section 354 IPC?
 - vi) Distinguish wrongful restraint from wrongful confinement.
 - vii) What is consent? Explain consent of child?
2. Answer any three of the following- (3x5=15)
- i) Explain the law relating to abetment under Indian Panel Code.
 - ii) State the circumstances when culpable homicide does not amount to murder? What is the punishment provided in the IPC for culpable homicide not amounting to murder?
 - iii) Discuss the mental incapacity (insanity) as a general exception.
 - iv) Write a note on section 304 B IPC.
 - v) Discuss the law relating to exemption of criminal liability on the ground of infancy.

CODE OF CRIMINAL PROCEDURE

30 MARKS

3. Answer any four questions from question Nos. 1 to 5 (4X5=20)
- i) What is the hierarchy of Criminal Courts and their power to pass sentences

- ii) Elaborate the procedure to be followed by a Magistrate in a summon case.
- iii) Explain the circumstances in which a wife is entitled to claim maintenance from her husband under the Code of Criminal Procedure. Can a daughter be asked to maintain her father? If so, under what circumstances?
- iv) Describe the law relating to the disposal and custody of property pending trial. Mention the relevant sections of CrPC under which property can be disposed at the conclusion of trial.
- v) When the members of public are required to assist a Magistrate or police officer.

4. Answer any five questions- (2 X5=10)

- i) Can police arrest a person without a warrant? If yes, under what circumstances can he do so?
- ii) What is the use of statement recorded under section 164 CrPC
- iii) Whether a Judicial Magistrate 1st Class can grant Anticipatory bail? Can Anticipatory bail be granted in bailable offences?
- iv) What is plea bargaining?
- v) What is the necessity of framing charge?
- vi) Whether charge can be altered at the time of delivery of judgment.
- vii) Can a person be convicted of an offence not specified in charge?
- viii) Discuss 'Joinder of charges' under the Code of Criminal Procedure.
- ix) When additional charge sheet can be filed?
- x) Whether a person discharged from criminal charges may again be charged with the same offence? If yes when he can be charged again?

INDIAN EVIDENCE ACT

25 MARKS

5. Answer any three questions from question Nos. 1 to 4 (3X5=15)
- i) Whether on the basis of retracted confession and extra judicial confession accused can be convicted? Explain.
 - ii) What is exculpatory and inculpatory confession and value there of?

iii) Discuss the law regarding the admissibility of the evidence of an accomplice.
Can a conviction be based on the testimony of an accomplice?

iv) What is burden of proof and what is the standard of proof in civil and criminal cases?

6. Answer the following questions- (4X1=4)

i) Doctrine of Estoppel applied to civil proceeding only. Yes/No

ii) In civil proceedings the issue is required to be proved beyond all reasonable doubt. Yes/No.

iii) All confessions are admission. Yes/No

iv) Leading question can be asked in re-examination. Yes/No

7. Is it necessary to call an attesting witness in proof of the execution of a document required by law to be attested? 2

8. Discuss the evidentiary value of the followings: (2X2=4)

(i) Testimony of an 'Accomplice'

(ii) Opinion of a 'Handwriting Expert'

LAW OF TORTS

20 MARKS

9. Answer any four questions of the following- (4X4=16)

i) What are differences between Tort and Crime?

ii) What is trespass to land and trespass ab-initio? State the remedies of trespass of land.

iii) What do you mean by malicious prosecution? Explain.

iv) Describe Assault and Battery.

v) What do you mean by vicarious liability? Explain.

vi) What is public nuisance? What is the major difference between public nuisance and private nuisance?

10. Answer any two of the following-

(2X2=4)

- i) Difference between false imprisonment and malicious prosecution.
- ii) What is tortious liability?
- iii) What is defamation?