

SERIES-01



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HARYANA CIVIL SERVICE JUDICIAL EXAMINATION-2021

Paper-III

Criminal Law

TIME: 3 HRS.

MAX. MARKS: 200

Notes:

- (i) Candidates are required to attempt all the question of equal weightage in the same serial order as they appear in the Question Paper including the parts and sub-parts of the attempted question.
- (ii) Marks are indicated against each part or sub-part of the given question.
- (iii) Support your answer with relevant provisions and judicial precedents.
- (iv) No extra Answer Sheet will be provided and the candidates are expected to confine their answers within the limit of the sheets provided in the answer book.

1. (a) “It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn, should be in the first instance be fully established,” in the light of above statement discuss the weightage of circumstantial evidence in a criminal matter. **(15 Marks)**
- (b) “Although the *res gestae* is an exception to the principle that hearsay evidence is no evidence but sometimes it became very harsh and unnecessary provision,” in the light of above statement discuss the value of ‘*res gestae*’ as evidence under the relevant provisions of law and judgments. **(15 Marks)**
- (c) X, Mrs. Y. and Z were convicted for the murder of ‘P’ the husband of Mrs. Y. The prosecution case was that Mrs. Y and X desired to get rid of P so that they should marry each other. Z was hired for the purpose. Z shot P dead. After the murder was committed, Mrs. Y was arrested on the charge of conspiracy. She was examined before a Magistrate and there she made certain statement implicating X. Determine the relevancy of her statement, under the relevant provision of law and judgments. **(10 Marks)**
- (d) What do you understand by the term 'Test Identification parade'? For what purpose it is being conducted and at what stage? Whether Failure to hold Test identification parade has an effect of weakening the Evidence? Support your answer with relevant case law. **(15 Marks)**
2. (a) While examining the evidentiary value of FIR, discuss whether the registration of FIR is mandatory on the part of police? Give your answer in the light of relevant provision and judicial pronouncements. **(15 Marks)**
- (b) “Section 216 of the Code of Criminal Procedure, 1973 invest a comprehensive power to remedy the defects in the framing or non-framing of a charge, whether discovered at the initial stage of the trial or at any subsequent stage”, in the light of above statement discuss the power of court for alteration of charges. **(10 Marks)**
- (c) Discuss the object and scope of plea bargaining as stipulated under the code of Criminal Procedure, 1973. **(10 Marks)**
- (d) “There has been an increasing emphasis on the reformation and rehabilitation of the offender as a useful and self-reliant member of society without subjecting him to the deteriorious effect of jail life,” in the light of above statement discuss the provision related to release of person on probation of good conduct on after admonition. **(15 Marks)**

3. (a) The father of accused held the contract of tekbazau in a vegetable market for 10 years. In one particular tender he was outbid by the deceased. On the day of the incident the accused's father went to the market to purchase a basket of melons. The deceased declined to sell it saying that it was already marked for another customer. Hot words followed during which the deceased, asserting his authority, said he was the thakedar of the market and his words were final. The accused's father was offended by this show of authority and left in a huff. The accused's father returned with his three sons, one of them being accused, an hour later. The accused's father had a knife, the accused had a gun and the other two brothers had lathis. They threw a challenge as to whose authority prevailed in the market. Consequently an unexpected quarrel between the deceased and the accused's father, which assumed the form of grappling. The deceased's servants beat the father of the accused with 'lathis' due to which the accused fired at the deceased and thereby shot him dead. Decide the liability of the accused in the light of relevant provisions of law. **(10 Marks)**
- (b) Define the term 'defamation'? What makes defamation a penal offence? Discuss the exception attached to it, if any. **(15 Marks)**
- (c) Discuss the intra-territorial and extra-territorial jurisdiction of Indian Penal Code, 1860. **(10 Marks)**
- (d) Whether making of two contradictory statements at two different stages in a judicial proceeding is by itself amount to 'perjury' under the provisions of Indian Penal Code, 1860. Mark out the distinction between giving false evidence and fabricating false evidence. **(15 Marks)**
4. (a) The accused Kalawati was the wife of the deceased she had been ill-treated by the deceased. She was alleged to have killed her husband with the help of another person Ranjit Singh with whom she had an extra-marital relationship. The deceased husband was murdered as they were all asleep on the terrace of their house. The wife Kalawati, who was present, made a statement that some unknown dacoits had invaded her house, killed her husband and robbed her jewels. She was charged with conspiring with Ranjit Singh to do away with her husband and also with the charge of giving a false statement with the intention of screening Ranjit Singh. She was acquitted of the charge of murder. It was contended before the court that having been acquitted of the charge of murder, she could not be acquitted for the offence of disappearance of evidence. Decide in the light of relevant provisions of law. **(10 Marks)**
- (b) When culpable homicide becomes murder? Mark out the distinction between culpable homicide and murder. **(15 Marks)**

5. Write short notes on following

(20 Marks)

- (a) Privileged communication.
- (b) Probative value of evidence.
- (c) Attempt
- (d) Sedition.

