

Haryana Civil Service (Judicial Branch) Examination – 2015

Criminal Law – Paper-III

Time: Three hours

Maximum marks: 200

Notes:

- (i) Candidates are required to attempt all the five questions 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 sheet will be provided and the candidates are expected to confine their answers within the limit of the sheets provided in the answer book.
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Q.-1. (a) Discuss if there is any purpose to differentiate 'specific defences' from 'general defences' under the Indian Penal Code. 10 marks

(b) 'B', a young business man, gave pills to 'G', his girlfriend, to procure abortion; but nothing happened as –(i) G had not conceived, or (ii) the pills turned out to be made of sugar alone. 'B' is charged with the attempt to cause miscarriage. Decide. 10 marks

(c) "It is not enough to label the statute as one dealing with a grave social evil and from that to infer that strict liability was intended. It is pertinent also to inquire whether putting the defendant under strict liability will assist in enforcement of regulations ... unless this is so, there is no reason in penalizing ... and it cannot be inferred that the legislature imposed strict liability merely to find a luckless victim." In the light of this statement, elucidate the doctrine of strict liability under Criminal Law. 10 marks

Q.-2. (a) Sumitra and Sanjay were childhood friends in the native village. Though they belonged to different castes, there developed an understanding between the two that once Sanjay got a job in the city, they would get married. On the basis of this understanding, they cohabited with each other several times. However, when Sanjay moved to Chandigarh and got a good job, he fell in love with one of his female colleagues. Soon thereafter Sanjay started avoiding Sumitra and finally refused to marry her. Shocked by the change in Sanjay's attitude towards her, Sumitra files a criminal complaint alleging that she had been raped by Sanjay a number of times. Sanjay pleads that the sexual relationship was with the consent of Sumitra and, therefore, he has committed no offence. Decide in the light of recent amendment(s) under the relevant provisions of the Indian Penal Code. 20 marks

(b) Differentiate between the offences of criminal misappropriation, criminal breach of trust, and cheating. 10 marks

(c) 'K' inflicted as many as 20 injuries on the body of 'M' with a gandassa (an instrument used in villages for cutting fodder for animals), wrecking vengeance for the enmity between their families. None of the injuries was singly fatal in itself, but as a cumulative result of multiple fractures and the loss of blood, death of 'M' ensued. Critically examine the offence committed by 'K' under the relevant provisions of the Indian Penal Code. 10 marks

Q.-3. (a) In a case of murder under Section 302 of I.P.C., the accused confessed to the police that he had committed murder and also confessed that he hid the weapon used in the offence of murder besides the tree in his neighbour's courtyard. The weapon is thereby discovered by the police.

Examine in the light of the relevant provisions and the case law:

(i) The relevance of his confession to the police.

(ii) The relevance of discovery of weapon and the exact scope of this recovery.

(iii) Critically examine the contradictory approach, if any, and decipher any contradiction in the approach between (i) and (ii) above. 30 marks (10x3)

(b) Are the provisions of Section 154(1) of Cr.P.C. mandatory? Give reasons for your answer and cite the relevant case law. 10 marks

Q.-4. 'A' was charged with murder of 'B'. When 'A' was taken into custody, he sought bail. The Sessions Court denied him bail. He approached the High Court. The High Court granted him bail under Section 437 of Cr.P.C. The complainant wants to question the bail. Examine and decide:

(a) Whether complainant can question the bail?

(b) On what grounds can the bail be cancelled?

(c) What does the term 'judicial discretion' imply?

(d) Can bail be granted on parity of reason? 40 marks (10x4)

Q.-5. (a) What is the purport of confession under Criminal law and under what circumstances it can be made? Also state the relevance of a confessional statement of an accused in Narco-analysis test undergone by him voluntarily. 20 marks

(b) 'A' registers a case of attempted robbery against one unknown person. However, within a week on the basis of some secret information, the police arrests a suspect 'B'. In Test Identification Parade (TIP), 'A' identifies the suspect as robber. After six months, during the trial 'A' identifies 'B' in his examination-in-chief, but his cross-examination is deferred at the request of counsel for the accused. On next hearing after one month, in his cross examination 'A' supports the case of prosecution on all aspects, but deposes that he is not sure whether accused 'B' was the robber as the incident happened at night and he could catch only momentary glimpse of the robber. In his re-examination he admits that he had identified accused 'B' in TIP. There is no other eye witness to the incident of robbery. How will you decide the case? 20 marks