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HJS Sup. (Mains)

**Previous Year Paper
(Criminal Law)
24 Mar, 2024 Shift 1**



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Punjab & Haryana Superior Judicial Service

MAIN WRITTEN EXAMINATION-2024

Criminal Law

Time Allowed: 3 Hours

Max. Marks: 200

Note(s):

- (i) Candidates are required to attempt all questions in the same seriatim as they appear.
- (ii) Marks are indicated against each question.
- (iii) No extra answer sheet will be provided.

1. (a) On 21st October 2020, the deceased 'A' and his friend were sitting in a public library preparing for a competitive examination. Through a window in the library, A saw the accused 'B' standing in front of a tea shop. 'A' told his friend that he would go to talk to 'B' privately. However, soon thereafter, A and B started fighting with each other. A gave a fist blow on 'B's face knocking him down on the ground. 'B' stood up immediately, took out a knife from his pocket, and stabbed 'A' 3-4 times on various parts of body. 'B' immediately fled thereafter from the scene. 'A' was taken to a nearby hospital, where he was declared dead on arrival. As per the post mortem report, there were 4 stab wounds on the person of the deceased: 2 on his left shoulder and 2 on his neck. The injuries on the neck of the deceased were opined to be fatal. As per A's friend, the incident was not pre-meditated and was a result of a sudden quarrel between 'A' & 'B'. He even deposed that it was 'A' who initiated the fight and knocked down 'B' to the ground. 'B', who is now charged with murder, is contending that he should be given the benefit of the exception under Sec. 300 of IPC since the death was committed in the heat of passion upon a sudden quarrel. Decide. 15 Marks
- (b) 'X' and 'Y' (belonging to different communities) used to work together in a law firm. They were in a relationship. While their relationship was subsisting, 'X' promised to marry 'Y' after obtaining consent of his parents. With this understanding 'X' and 'Y' continued their relationship. 'X' raised the issue of his marriage to 'Y' before his parents but they refused to give consent to it. The parents of 'X' further threatened to disown 'X' if he went ahead to marry 'Y'. On the contrary, they asked 'X' to marry a girl of their choice and someone from their community. 'X' finally relented to the wishes of his parents and decided to discontinue his relationship with 'Y'. 'X' also agreed to marry a girl of his parent's choice. Shocked by the sudden

change in 'X's behavior towards her, 'Y' complained to the local police station alleging that 'X' had raped her multiple times. In the light of statutory provisions and recent judicial decisions in this regard, determine the offense committed by 'X' and his criminal liability thereof. **15 Marks**

(c) 'R', a male of 25 years, is convicted of theft by the Judicial Magistrate First Class (JMIC). It was revealed that 'R' had committed the theft out of dire financial necessity as he had to buy medicines for his ailing son. Further, it was also established that he was a first time offender with no previous criminal history. Analyze and decide whether the JMIC is under a legal obligation to sentence him based on the above scenario, or if it has any options other than sentencing him with the help of relevant provisions of the CrPC. **10 Marks**

2. (a) 'C', who is an accused, confesses to his involvement in a cricket match fixing in a press conference in the presence of police officers. But at the time of trial, the defense alleges that since the confession was made in the presence of a police officer, the same is inadmissible. 'C' thus, claims innocence in court. Analyze the above-mentioned situation in the light of the provisions contained under the Indian Evidence Act qua the evidentiary value of such a confession **10 Marks**

(b) Rahul, a government official employed in a public procurement department, faces allegations of accepting bribes in exchange for awarding contracts to a specific vendor. The evidence comprising audio recordings and bank transactions suggest a corrupt association between Rahul and the vendor.

i. Identify and examine the legal provisions applicable to which Rahul can be charged, under the relevant anti-corruption laws. Analyze how the legal system can ensure a fair trial, while maintaining the ideals of natural justice? **10 Marks**

ii. Can private individuals be prosecuted under the Prevention of Corruption Act, 1988? If so, under what circumstances? **10 Marks**

(c) In a criminal trial, where the prime eye witness is a child 'D' and the accused is 'E'. The defense challenges the reliability of D's testimony, citing the influence of suggestive questioning. Analyze the legal complexities surrounding the testimony of child witnesses in such a scenario. Also, examine the competency of the child witness as provided under the law with the help of case-laws. **10 Marks**

3. (a) Emily travelling from Kabul is caught at the Delhi airport with a significant quantity of psychotropic substances in her luggage. The substances are identified as Schedule III psychotropic drugs under the Narcotic Drugs and Psychotropic Substances Act, 1985.

- What are the specific legal provisions governing the smuggling of psychotropic substances under the Narcotic Drugs and Psychotropic Substances Act, 1985? **5 Marks**
- Discuss the penalties Emily may face for smuggling Schedule III psychotropic substances. **5 Marks**
- Can Emily plead ignorance or lack of knowledge about the nature of the substances as a defense? Explain. **5 Marks**

(b) Would the trial stand vitiated in a case where there is any violation of Section 52A of NDPS Act. Discuss in the light of the recent judicial pronouncements of the Supreme Court. **15 Marks**

(c) 'Anything can be proved orally except the content of the document'. Elaborate on the above statement in light of the provisions contained under the Indian Evidence Act, 1872. **10 Marks**

4. (a) "Direct evidence of bribe demand is not necessary to convict public servant under the Prevention of Corruption Act." Examine the above statement in the light of recent Constitutional Bench judgment of the Supreme Court. **20 Marks**

(b) 'A' tells 'B', who manages his business- 'Sell nothing to 'C' unless she pays you ready money'. 'A' also adds that 'C' is 'a woman of easy virtue' and he has 'no respect' for her. Can 'A' be held criminally liable for defaming 'C'? Explain and Discuss. **10 Marks**

(c) Discuss the evidentiary value of a statement recorded under Section 161 and 164, CrPC before a Court. **10 Marks**

5. (a) 'L' went to watch a movie at a cinema hall close to his home on his bike. While parking his bike, 'M' came and asked him to pay Rs. 100 as parking fee. 'L' refused to pay Rs. 100 as the stipulated parking charge was only Rs. 25. Soon after, 'L' & 'M' started quarrelling over the issue which led 'M' to give a huge blow on L's head with an iron rod. 'L' started bleeding profusely and fell down unconscious. 'N', an employee of the theatre, immediately informed the police about the incident. The

police after recording the information in the daily diary, went to the place of the incident where it recorded the statement of an eyewitness. During trial, the prosecution wanted to use this statement of the eyewitness. Defence counsel took the plea that the statement was hit by Section 162, CrPC.

- i. Decide whether the said statement can be used by the prosecution and also elaborate on whether the telephonic information about the commission of an offense amounts to a First Information Report. **10 Marks**
- ii. Elaborate on the right of the victim, accused, and informant to be heard, at the time of filing of final report before the Magistrate under section 173 (2), CrPC. **10 Marks**

(b) Discuss the admissibility of illegally obtained evidence with the help of relevant case law and whether any changes have been brought about after ... case. **10 Marks**

(c) Is obtaining sanction mandatory when initiating proceedings against a public servant for indulging in corrupt practices? Describe the process to be adopted by the Magistrate under Section 156(3) CrPC, regarding a complaint against a public servant under The Prevention of Corruption Act. **10 Marks**

