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JKPSC Prosecuting Officer (Mains)

**Previous Year Paper
Code of Criminal Procedure
1973 Paper-III 19 Feb 2022**



Total No. of Printed Pages-3]

Roll No. _____

PAPER - III
(CODE OF CRIMINAL PROCEDURE, 1973)

Time Allotted - 3 Hours

Maximum Marks-250

INSTRUCTIONS

- i) Question paper contains Two parts A and B.
- ii) Any Five questions in all selecting minimum Two questions from each part.
- iii) All questions shall carry equal marks.
- iv) The part/parts of the same question must be answered together and should not be interposed between answers to other questions.
- v) If you encounter any typographical error, please read it as it appears in the text book.
- vi) Candidates are, in their own interest, advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.
- vii) No continuation sheets shall be provided to any candidate under any circumstances.
- viii) Candidates shall put a cross (×) on blank pages of Answer Script.
- ix) No blank page be left in between answer to various questions.

PART - A

1. (a) Can a person who has filed a bond be arrested? If so, under what circumstances? Discuss. (10)
- (b) Discuss what procedure a Magistrate has to follow when there is a dispute regarding possession of immovable property giving rise apprehension of breach of peace? What is the scope of such proceeding? (20)
- (c) Discuss, under what circumstances and by whom Maintenance may be claimed under the provisions of Cr. PC? (20)
2. (a) A is kidnapped from Kashmir and is recovered from a house in Amritsar. State with reasons which of the courts shall have jurisdiction to try the cases arising out of this incident. (10)
- (b) Explain the difference between Investigation, Inquiry and Trial with the help of the decided cases. (20)
- (c) What are the provisions regarding search by a Police Officer under Criminal Procedure code 1973? (20)
3. (a) A company lodged the FIR for offence u/s 408/420 IPC against X, its former Divisional Manager. After Completing the Investigation, a report u/s 173 Cr.PC was sent to Magistrate stating that the case was of civil nature the company lodged a protest petition with Magistrate and sought permission to prove commission of offence by X. Magistrate after pursuing the investigation records, comes to conclusion that prima facie case u/s 408/420 IPC was made out and consequently issued process against X u/s 204 Cr.PC legality of Order was challenged on the ground that Magistrate had no power to issue process without first complying with provisions of Section 200 and 202 of Code. Decide the case. (25)
- (b) When can a court order attachment of property of a person who has absconded? Discuss. (25)
4. (a) Discuss the power of Magistrate to issue Order in urgent case of nuisance or apprehended danger. Refer to decided cases if any on the subject. (25)
- (b) "It shall be the duty of Public Prosecutor to inform the court and it shall be duty of the court to apprise itself of reasons which prompt the Public Prosecutor to withdraw from the Prosecution" Rajinder Kumar Jain and other v. State AIR 1980 SC 1510. Amplify the case. (25)

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(2)

PART - B

5. (a) Explain the following: (10×2=20)
- (i) Joinder of Accused
 - (ii) Distinguish between Reference and Revision
- (b) A public servant was charged under section 409 IPC. Facts constituting the charge also made out an offence under section 420 IPC but he was not charged for this offence. Support your answer by authorities if any. (30)
6. (a) On the one hand CrPC Constantly emphasizes upon speedy trial of criminal cases and suggests that hearing may be conducted on a day to day basis. On the other hand the judiciary has declared that the 'right to speedy trial' is a fundamental right guaranteed under Article 21 of the Constitution. Explain in the light of decided cases and provisions of CrPC how far right to speedy trial is protected for accused. (20)
- (b) There are broadly four categories of criminal trial prescribed in CrPC. Discuss basic characteristics of each category of criminal trial. (20)
- (c) In a series of cases the Supreme Court declared that legal aid is fundamental right of the accused and basic feature of fair trial principle. Discuss how far provision relating to legal aid is adequate in CrPC. (10)
7. (a) Every arrest resulted in deprivation of right to liberty enshrined under the Constitution of India. Accordingly, arrest can be executed only under just, proper and reasonable procedure. But the fact that a large number of arrests are unwarranted has been duly acknowledged by the Law Commission of India. Numerous cases laid down guidelines to execute arrest and at the same time legislative improvement taken place to minimize unwarranted arrest. Discuss in the light of the decided cases and provisions of law what safeguards are available to the accused. (25)
- (b) CrPC also recognizes rights of the victims during Criminal Trial. Please discuss in detail what kinds of rights of the victims during trial are recognized by CrPC or through judicial interpretation. (25)
8. (a) What do you mean by anticipatory bail? (10)
- (b) When can bail be granted in non-bailable offences and what are the considerations to grant such kind of bail? (20)
- (c) What are the consideration of cancellation of bail? Discuss in the light of decided cases. (20)



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