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# **JKPSC Prosecuting Officer (Mains)**

**Previous Year Paper  
Indian Penal Code 1860  
Paper-IV 21 Feb 2022**



**PAPER - IV**

**INDIAN PENAL CODE, 1860**

**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 (x) on blank pages of Answer Script.
- ix) No blank page be left in between answer to various questions.

### PART - A

1. (a) Compare the principle of joint liability for a criminal act committed by several persons not exceeding four with that of a criminal act committed by several persons not less than five, bringing out clearly the points of distinction if any? (25)
  
- (b) A married young woman, who was discarded by her husband, lived with her father and brother in 'Jammu' she became intimate with the accused who was her next door neighbour. The two ran away from Jammu and eventually settled in Bombay. The woman's brother filed a complaint against accused for offences under section 497/498 of IPC. Decide the in the light of statutory provisions and decided case laws. (25)
  
2. (a) 'A' a pick-pocket attempts to take the purse of 'B', who has loaded pistol in his pocket. A touches the trigger, the pistol goes off and 'B' is thus shot dead. In the light of the given statement and statutory provision, what offence, if any has been committed by 'A'. (25)
  
- (b) Atul and Monika were found kissing and embracing each other in a Maruti Ambulance, parked at 200 yards from Hospital located at a lonely place. In the light of given statement and legal provisions define 'Obscenity'. Distinguish between 'Obscenity' and 'Vulgarity'. Discuss what offence if any is made of the given case. (25)
  
3. (a) 'A' Instigate a child 'B' to poison 'C' and provides poison for the purpose. 'B' by mistake put the poison on 'D's Thali, which happened to be on the side of 'C's Thali, 'D' took the food and died. In the light of given statement and decided case laws, discuss what offence has been committed and what are the liabilities under the statutory provisions. (25)
  
- (b) 'K' sent a notice to 'B' demanding payment of price of certain ornaments said to have been purchased from him by 'B' on the occasion of his brother's marriage. In his reply sent by registered post, 'B' denied any such purchase and characterised the demand as 'false'. He further alleged that the false claim has been made because 'K' had attempted to outrage the modesty of a woman whose husband had, at the instance of 'B', lodged a complaint against 'K'. The reply was received by 'K' and he filed a complaint for an offence under section 500 of IPC against 'B'. It was proved that the imputation made against 'K' was false and actuated by ill-will and previous enmity. Decide the case in the light of statutory provisions and decided case laws . (25)

4. (a) 'A' has an enlarged spleen. B knows this and gives him a kick on the abdomen which ruptures the spleen. A week later, A dies in consequence of the injury received. Discuss the guilt of 'B' in the light of statutory provisions and decided case laws. (25)

(b) Accused was a retired Army Soldier went to attend a marriage. When the marriage party went to bride's house for midday meal, some settled down in their seats and some had not. The accused who was drunk and intoxicated asked a young boy to step aside a little so that he may occupy a seat but the boy did not move. The accused whipped out a pistol and shot the boy in abdomen. The injury proved to be fatal.

The evidence shows that at times the accused staggered and was incoherent in his talk but at the same time he was capable of moving by himself independently and talking coherently as well. After shooting at the boy, he attempted to get away but was secured at a short distance from the Gate. There he requested the witnesses to be forgiven saying that it had happened from him.

Decide the case regarding the liability of the accused persons for the murder with reference to Section 85 and 86 IPC. (25)

#### PART-B

5. (a) Distinguish between Wrongful Restraining and Wrongful Confinement. (15)

(b) Explain briefly the law relating to attempt to commit an offence and examine whether 'A' who intends to kill 'B' is guilty of attempt to murder when 'A' shoots at 'B' believing him to be sleeping but infact, 'B' had died of heart failure before 'A' shot at him. (15)

(c) A and D were living in adjacent houses. They were not pulling on well and one day they started quarrelling in front of their houses. 'A' held a Kati (a sharp edged weapon). While 'D' was having stick in his hand. In course of quarrel, 'N', the son of 'A' threw a small knife towards 'D', 'D' warded off the knife with his stick and it fell down near him. 'D' attempted to pick up the knife, 'A' gave stroke with Kati on the head of 'D'. 'D' received severe cut injury and fell down senseless and died after two days. Decide the case in the light of given statement, statutory provisions and decided case laws. (20)

6. (a) What are the different stages of crime? What is difference between preparation and attempt. Discuss. (15)

(b) A with the intention of causing the death of an illegal child of tender age, exposes it in a deserted place. Thereafter a passer-by saves the child from dying. Discuss in the light of given statement and legal provision, what offence has been committed by A. (15)

(c) During the search of Residential house of accused for offence u/s 120B, 420, 467, 468 and 471 IPC, one video cassette containing pornographic scene is recovered from an almirah, key of which was supplied by the accused. In the light of given statement and legal provisions define 'Obscenity'. Distinguish between 'Obscenity' and 'Vulgarity'. Discuss what offence if any is made of the given case. (20)

7. (a) Explain Criminal misappropriation and distinguish it from theft with the help of statutory provisions. (15)

(b) 'A' Maliciously says that 'B' is suffering from plague. In the light of the given statement and statutory provision, what offence, if any has been committed by 'A'. (15)

(c) A girl below 18 years of age was in the keeping of her mother. Her father 'B' lived separately. B by deceitful means took 'A' and kept her with him. Decide in the light of statutory provision and decided case laws, what offence 'B' has committed. (20)

8. (a) Distinguish between Criminal trespass and Mischief. (15)

(b) 'A' with intention to kill 'B' gives him poisoned apple, but 'B' passes it to 'C' a child who eats and dies. Discuss the criminal liability of 'A', in the light of given statement and decided case laws. (15)

(c) Define and distinguish between Theft, Extortion, Robbery and Dacoity. Illustrate your answer with the help of statutory provisions and decided case laws. (20)