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OPSC
Previous Year Paper
Assistant Public
Prosecutor 2014
Criminal Laws



ASP – 3/14
Criminal Laws

Time : 2½ hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

Answer from all the Groups as directed.

Group – A

Answer any two questions :

1. Define 'culpable homicide' and 'murder' and distinguish between them with the help of leading cases. 25
2. (a) Explain the cases of territorial and extra-territorial operation of the Indian Penal Code. 10
(b) Write a critical note on the latin maxim, "Actus non facit reum nisi mens sit rea". 15
3. (a) In every robbery there is either theft or extortion, are they same, if not what are the differences between theft and extortion? 15

XE – 3/5

(Turn over)

- (b) Distinguish between 'common intention' and 'common object'. 10

Group – B

Answer any **two** questions including Q. No. 4 :

4. Define any **four** of the following terms as defined in the The Food Safety and Standards Act, 2006 :

$2\frac{1}{2} \times 4 = 10$

- (a) "Contaminant"
 - (b) "Food"
 - (c) "Mis-branded food"
 - (d) "Food addictive"
 - (e) "Primary food"
5. (a) What are the functions of the Chief Executive Officer appointed under The Food Safety and Standards Act, 2006 ?
- (b) What are the provisions in the Food Safety and Standards Act, 2006 relating to the imports of food articles ? $6+4 = 10$
6. (a) Delineate the composition of Food Authority and the requisite qualifications of its Chairperson and other members.

XE – 3/5

(2)

Contd.

- (b) How can the Chairperson and other members of Food Authority be removed ?

6+4 = 10

Group – C

Answer all questions :

7. (a) When does BAMBOO becomes forest produce ? Explain with relevant case law.
- (b) What is the punishment under Odisha Forest Act for any offence (cutting, uprooting or removal or damage) done to a sandal tree or any part of a sandal tree ?
- (c) What is the minimum punishment imposed under this Act ?

4+3+3 = 10

OR

- (a) What are the powers of Forest Settlement Officer ?
- (b) Are orders under Odisha Forest Act appealable ? If so, how and what is the power of revision under the Odisha Forest Act ?

5+5 = 10

XE – 3/5

(3)

(Turn over)

8. (a) What are the changes proposed under the Wild Life Protection Act, 1972 by the Wild Life Protection (Amendment) Bill, 2013 ? 10

OR

- (b) (i) What are the punishments for the offences pertaining to the hunting of the endangered species and altering the boundaries of protected areas and of offences not pertaining to hunting endangered species ?
- (ii) Define 'hunting' as in the Act. 7+3 = 10
9. (a) Explain Section 4 of the Odisha Saw Mills and Odisha Pits (Control) Act regarding establishment and operation of saw mills and saw pit with relevant case laws. 10

OR

- (b) Under Odisha T. T. Rules, in which cases no transit permits shall be required to cover transit of forest produce ? Cite relevant case laws. 10

Group – D

Answer any one question :

10. (a) What are the recent amendments brought about by the Gazette Notification No. 591 (E) dated 6th March, 2013 under the Arms Act ?
- (b) Which Section of the Arms Act, has been declared by the Apex Court as unconstitutional in 2012 ? Explain with reasons stated by the Honb'le Court.

5+5 = 10

11. (a) One actor is found guilty under Arms Act, 1958 in Mumbai Blast Case. The charges against him are under Section 3 (possessing fire arms and ammunition) and Section 7 (transfer of prohibited Arms or prohibited ammunition) read with Section 25 (punishment). What is the punishment appended to him for such charges ?

- (b) When can the licensing authority refuse to grant license for possessing Arms ?

5+5 = 10

XE – 3/5

(5)

(Turn over)

Group – E

Answer all questions :

12. (a) What punishment is inflicted for 'causing explosion likely to endanger life or property' under the Explosive Substance Act, 1908 ?
- (b) What restrictions, if any, is there on trial of offences under the Explosive Substances Act, 1908 ? $4+1 = 5$
13. (a) Define the terms 'Explosive' as defined in the Explosives Act, 1884.
- (b) What is the local extent of the Explosive Act, 1884 ? $4+1 = 5$

Group – F

Answer any **one** question :

14. (a) Write down the restrictions as given in Bihar and Odisha Excise Act for the employment of children and women by licensed vendors. 5
- (b) Explain any **two** of the following terms in context to Bihar and Odisha Excise Act : $2\frac{1}{2} \times 2 = 5$

(i) Denaturant

XE – 3/5

(6)

Contd.

(ii) Liquor

(iii) Pachwai

15. Section 27 of the Bihar and Odisha Excise Act gives the power to impose duty on import, transport and manufacture. How this duty is levied? Is there any provision for Luxury tax? 10

Group – G

Answer any one question :

16. (a) Define 'dowry' as per Dowry Prohibition Act. 4
(b) A(man) marries B(woman) under an agreement that he should be paid a sum of Rs. 1,00,000 within one year of marriage otherwise the marriage will be void.

Discuss the validity of the agreement and what offence, if any, has been committed by A. What punishment, if any, will he be awarded under Dowry Prohibition Act?

2+2+2 = 6

17. (a) Which court has the power to take cognizance of offences under Dowry Prohibition Act? 5

XE – 3/5

(7)

(Turn over)

(b) What are the penalties under the Dowry Prohibition Act for the following offences ?

$$2\frac{1}{2} \times 2 = 5$$

- (i) Giving dowry
- (ii) Demanding dowry

Group – H

Answer the question :

18. (a) Who can 'issue a search warrant' under the Railways Property (Unlawful Possession) Act, 1906 ? Explain the procedure.

(b) What is the penalty prescribed under this Act for unlawful possession of railway property ?

$$5+5 = 10$$

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