

B.A. LL.B. (Semester – VIII) Examination, April 2017
CRIMINAL PROCEDURE CODE

Duration : 3 Hours

Max. Marks : 75

Instructions : 1) Answer **any eight** from Q. No. 1 to 12. (8×8=64)

2) Answer to Question No. 13 and 14 are **compulsory**. (6+5=11)

1. "The public Prosecutor as a representative of the State and not of the Police, is expected to discharge his duties fairly and fearlessly". Explain the provisions relating to Public Prosecutor and Directorate of Prosecution under Criminal Procedure Code.
2. "Summons is a process to compel appearance of a person". Explain the procedure prescribed for serving the summons to accused and witnesses under Criminal Procedure Code.
3. Explain the concept of remand and describe the rules relating to remand under Sec. 167 of Criminal Procedure Code.
4. "The object of providing for maintenance under Sec. 125 Criminal Procedure Code is to prevent starvation and vagrancy in the society which may lead to commission of crime by those who are unable to maintain themselves". Explain the provisions relating to maintenance of Wife and Children under the Code.
5. Explain the Constitution and Powers of Criminal Courts under Criminal Procedure Code.
6. Describe the provisions relating to procedure for Removal of Public nuisance under Criminal Procedure Code.
7. Explain the provisions relating to Complaint to Magistrate and Commencement of proceedings before Magistrate under Criminal Procedure Code.
8. Describe the procedure of trial to be adopted by the Court of Sessions under Criminal Procedure Code.
9. "Plea bargaining is a method of Alternative Dispute Resolution system in Criminal Jurisprudence". Explain the provisions relating to Plea Bargaining under Criminal Procedure Code.



10. Explain the provisions relating to period of limitation for taking cognizance of certain offences under Criminal Procedure Code.
11. "As a matter of general policy, bail should be granted as far as possible instead of being rejected". Explain under what circumstances granting of Bail is mandatory.
12. Explain the procedure prescribed for hearing of Appeal under Criminal Procedure Code.
13. Answer **any two** of the following : (2×3=6)
- a) Inquest
 - b) Inherent powers
 - c) Compoundable and Non compoundable offence.
14. Answer **any two** of the following : (2×2.5=5)
- Instruction – Refer appropriate statutory provisions and judicial decisions. Emphasis must be on reasoning.
- a) A is accused of a theft on one occasion and of causing grievous hurt on another occasion. Can A be tried jointly for theft and grievous hurt ?
 - b) A, B and C are charged by a Magistrate of the first class with and convicted by him of robbing D. Can A, B and C, may after words be charged with and tried of dacoity by Court of Session on the same facts ?
 - c) The wife was subjected to physical torture when she was pregnant at margao and she had to be taken to her parental home at Panaji. Due to beating (at Margao), Miscarriage took place palace at Panaji. Can the Court at Panaji had jurisdiction to try the offence ?
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BALBA – 1316

B.A. LL.B. (Semester – VIII) Examination, October 2016
CRIMINAL PROCEDURE CODE

Duration : 3 Hours

Max. Marks : 75

Instructions : i) Answer **any eight** from Q. No. 1 to 12.

ii) Answer to Question No. 13 and 14 are **compulsory**.

1. "Public Prosecutor should not be over enthusiastic about securing the conviction of the accused. He is to act as an agent of Justice" – Explain the Public Prosecutor and their powers under Cr. P.C. 8
2. Explain the meaning and purpose of arrest and discuss the rights of the arrested person. 8
3. Discuss the procedure for recording confession by magistrate under Criminal Procedure Code. 8
4. "If release on bail is denied to accused, it would mean that though he is presumed to be innocent, he would be subjected to psychological and physical deprivation of jail life". Explain the object of bail in the light of above statement and elucidate under what circumstances bail is mandatory. 8
5. What is Charge ? Explain the form and contents of charge and the procedure for alteration of charge under Cr. P.C. 8
6. Explain the procedure for trial of warrant cases before magistrate on police report. 8
7. "The object of making provision for and putting bar of limitation on prosecution in certain cases is to prevent parties from filing belatedly false or vexatious cases against persons and to protect them from unnecessary harassment". Explain the provisions relating to period of limitation under Criminal Procedure Code. 8
8. What is the procedure to be followed while dealing with and disposing of a Revision ? 8
9. What are the powers conferred on the Executive Magistrate for the removal of public nuisance ? Under what circumstances can these powers be exercised ? What is the procedure to be followed in such cases ? 8

P.T.O.



10. State the provisions for granting maintenance to the children and parents under the Code of Criminal Procedure ? Can the court grant interim maintenance ? **8**
11. Explain the concept of double jeopardy (Autrefois acquit and Autrefois convict) under Criminal Procedure Code. **8**
12. Explain the procedure to be followed by Police Officer and Magistrate when investigation cannot be completed within 24 hours and discuss the concept of compulsive bail. **8**
13. Answer **any two** of the following : **(2×3=6)**
- a) Summons case and warrant case.
 - b) Transfer of Cases
 - c) Powers of executive magistrate under Sec. 144 of Cr. P.C.
14. Render legal advice on **any two** of the following by giving reasons and citing relevant provisions of law : **(2×2.5=5)**
- a) A is tried for causing grievous hurt and is convicted. The person injured afterwards dies. Can A be tried again for culpable homicide ?
 - b) Margao District and Sessions Court convicted Mr. Satish with a sentence of two months imprisonment. He wants to file an appeal against conviction. Advise.
 - c) A an M.L.A. was granted anticipatory bail by Chief Judicial Magistrate, North Goa, as A was apprehending arrest in a murder case. Discuss the validity of the order.



BALBA – 1316

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Instructions : i) Answer **any eight** from Q. No. 1 to 12.

ii) Answer to question No. 13 and 14 are **compulsory**.

1. Define Arrest and explain purpose and procedure for arrest. 8
2. Explain the procedure prescribed for Remand under Sec. 167 of Criminal Procedure Code. 8
3. Discuss briefly the rules as to deciding the territorial jurisdiction of a criminal court for inquiring into or trying any offence. 8
4. Examine the nature and scope of judicial discretion in granting bail in non-bailable offence. 8
5. Explain the provisions of Cr.P.C relating to 'Joinder of Charges' as exceptions to basic rule "For every distinct offence there must be a separate charge and a separate trial". 8
6. Explain the procedure for trial of summons cases before magistrate. 8
7. "Provisions relating to grant of pardon to a person who has committed a crime is an exception to the general rule relating to administration of justice". Explain Conditional Pardon to an accomplice. 8
8. Explain the provisions relating to security for good behaviour from persons disseminating seditious matters, suspected persons and from habitual offenders. 8
9. What are the powers conferred on Executive Magistrate with regard to Disputes relating to Immovable Property ? 8
10. State the provisions for granting maintenance to Wife under the Code of Criminal Procedure. Can the court grant interim maintenance ? 8
11. Explain the provisions relating to period of limitation under Criminal Procedure Code. 8

P.T.O.



12. What are the different courts exercising jurisdiction under the Code ? What sentences can they pass ? 8
13. Answer **any two** of the following : (2×3 = 6)
- a) Cognizable offence and Non-Cognizable offence
 - b) Withdrawal from Prosecution
 - c) Case Diary.
14. Render legal advice on **any two** of the following by giving reasons and citing relevant provisions of law : (2×2.5 = 5)
- a) A is accused of criminal breach of trust and also of falsification of accounts punishable under Sec. 409 and 477 of IPC. Can he be tried jointly for both offences ?
 - b) A abducted B from Margao then B was taken to Canacona and then to Ponda. In which court (Territorial Jurisdiction) the offence of kidnapping can be tried ?
 - c) The Gujarat High Court convicted Mr.A with imprisonment of 5 months. He wanted to file an appeal against conviction. Advise Mr.A.