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PRACTICE PAPER



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DELHI JUDICIAL SERVICES MAIN WRITTEN MOCK TEST 1

Paper IV

Criminal Law

Instructions:

1. Attempt all the questions in the same order in which they appear in the Question Paper.
2. Marks for individual questions are indicated against each question.
3. Support each of your answers with reasons, relevant legal provisions and legal principles. Length of answer would not determine the marks.
4. Write your Name, Paper name and Page no. on the answer sheet.

1. A, an accused is arrested by B, a police officer, without a warrant. After such an arrest, A was kept in the custody of police for 30 hours without the order of a Magistrate for interrogation in a very sensational case. Is the detention of the accused legal? Give reasons. **(10)**

2. The publication of a newspaper containing material punishable under Sections 124-A and 153-A IPC is prohibited by the State Government. The editor, to set aside the order of the Government, submits an application before the High Court. The High Court consists of 10 Judges but the matter is decided by the two judges bench. Decide the legality. **(10)**

3. An application by wife u/s 12 of Protection of Women from Domestic Violence Act, 2005 has been disposed of by the Ld. Magistrate and inter alia ordered for residence in the husband's house in Jaipur. Discuss the status of the wife. **(10)**

4. Pradeep a Hindu youth is in love with Bina, a young Parsi girl. Bina conceives and was advanced in pregnancy up to seven months they both went to the office of the Sub-Registrar and executed a marriage document.

Bina bore three issues from Pradeep. Subsequently, Bina moves an application for maintenance alleging cruelty and neglect on the part of Pardeep. Pradeep contests the validity of the marriage and contends that no presumption could be drawn in regard to the paternity of the first child. Decide. **(10)**

5. The wife filed an application under Section 125 Cr.P.C. claiming maintenance for herself as also minor daughter alleging that at the time of her marriage with the respondent sometime in 1981, the fact that the respondent was already married and his spouse was living was not known, and that after the discovery of the previous marriage of the respondent the relationship between the parties gradually became strained and ultimately the respondent started totally neglecting the applicant and the minor daughter and refused to maintain them. Decide. **(20)**

6. Define and explain "Bill of Exchange". What are the essential requisites of Bill of Exchange? What is the distinction between Promissory Note and Bill of Exchange? (10)

7. Suddenly a fight began between A, B (accused persons) and C (informant). In such a sudden fight, A caused simple hurt to C whereas B caused grievous hurt to C. Will A and B both be guilty of causing grievous hurt to C in view of the provision made in Section 34, I.P.C.? Give reasons and also refer to case law, if any, on the point. B successively and independently wound C with murderous intent. C dies from the loss of blood caused by both the wounds together. But the fact remained that C would not have died from either wound alone. Discuss the criminal liability of A and B. (20)

8. Discuss the role of the internal committee under The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. (10)

9. A abets B to rob C, B attempts to rob C, C resists B from doing so. During such an attempt of robbery, B has to fire at C in order to complete the offence of robbery. As a result of such firing from a gun, C is seriously injured and admitted to hospital. After two days C dies in hospital due

to injury sustained from gunshot. A is prosecuted for abetment for robbery and also for abetment for murdering C. During trial, it was argued by the lawyer of A in his defence that A is not guilty of 'abetment for murder' of C, as he neither abetted B to murder C nor he had such intention. Presuming yourself to be a Judge, decide, whether the argument of A is acceptable? (20)

10. R, a village woman aged twenty was ill treated by her husband. There was a quarrel between the two and the husband threatened that he would beat her. Late that night, the woman, taking her six months old baby in her arms, slipped away from the house. After she had gone some distance, she heard somebody coming up behind her and when she turned round and saw that her husband was pursuing her, she got into a panic and jumped into a nearby well with the baby in her arms. The baby died but R recovered. Decide what offences, if any, have been committed by R. (20)

11. Accused N is charged and prosecuted under Section 302 I.P.C. for the murder of a child aged about 7 years. There was no eyewitness of the murder but the following circumstantial evidence were proved against the accused N:

1. The deceased was seen going towards the place of occurrence with the accused, one hour before the sunset (before the occurrence) on the day of the occurrence.

2. The accused was seen alone while she was returning back from the place of occurrence.

3. There was a blood spot on the cloth of the accused while she was seen returning from the place of occurrence.

4. The earrings, which the deceased was wearing, were recovered from the accused. 5. The broken bangles of the accused were found at the place of occurrence, near the body of the deceased.

Can N be convicted for the murder of a child on the basis of evidence in the nature of the circumstances mentioned above? Give reasons and also refer to the case law, if any, on the point. (20)

12. Discuss the provisions to tackle heinous offences committed by children under Juvenile Justice Act, 2015? **(10)**

13. On a dark night, a murder was committed in Delhi. Nobody is named as the murderer. The Sub-inspector of police went to the locality to investigate. While he was investigating, one Abhay came to him and said that he committed murder. After that Abhay was arrested and became accused in the case and was tried for the offence of murder. Discuss the validity of the aforesaid confessional statement of Abhay. **(10)**

14. An accused, arrested during the investigation of a murder case made a statement to the police that he had buried the ear-rings of the deceased under the tree at a particular place. The ear-rings were recovered from the said place at his instance. Is the statement of the accused admissible in evidence? **(10)**

15. A comes to the police station and lodges First Information Report that B has beaten him and has threatened to kill him. After two days A is murdered. B is arrested and prosecuted for the offense of murdering A. Decide whether the First Information Report may be admitted as a dying declaration? **(10)**

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