

Examination for Recruitment to Grade-III  
of Tripura Judicial Service, 2015

**Law Paper-II**

Full Marks-100

Time-3 hours

Answer any one question each from Group-A and B (in approx. 1000 words each) and any four questions each from Group-C to F (in approx. 300 words each).

**Group-A**

**10 marks**

1. Discuss with reference to the statutory provisions and case law, the distinction between culpable homicide amounting to murder and culpable homicide not amounting to murder.
2. Discuss with reference to the legal provisions and the social milieu, the history and nature of the amendments made in Sections 375, 376, 376A, 376B, 376C, 376D, 376E of the Indian Penal Code.

**Group-B**

**10 marks**

1. Discuss with reference to statutory provisions, what is the meaning of charge in a criminal case. What should be the contents of a charge? Can the charge be amended or altered at a later stage? Whether alternative charge can be framed and if so, under what circumstances? What are the consequences of defect in framing charge?
2. Discuss with reference to legal provisions, the manner of recording an FIR in a cognizable offence, placing the same before the Magistrate, the powers of the Magistrate in matters of investigation and how the Magistrate shall deal with the final report submitted to him by the police.

**Group-C**

**5 x 4=20 marks**

1. An article is published in a newspaper which has the affect of promoting enmity between different groups on grounds of religion. Discuss with reference to statutory provisions and case law what is the criminal liability of the reporter who authored the article, and the editor and publisher of the newspaper.
2. What are the essential ingredients of an offence punishable under Section 409 of the Indian Penal Code? Refer to relevant statutory provisions.
3. In what circumstances can an accused get the benefit of the defence of insanity? Discuss with reference to established legal principles and case law.

4. A witness makes a false statement in Court saying that he witnessed 'A' committing the murder of 'B'. He also produces a video allegedly recorded by him at the time of occurrence of the incident. Both his oral statement and the video recording are found to be false and fabricated. What offences can this witness be charged with and who has the power to lodge a complaint in this regard? Refer to the relevant statutory provisions.

5. Discuss the distinction between Sections 326, 326A and 326B of the Indian Penal Code. Give some illustrations where such principle would apply.

6. Shortly describe the different offences relating to marriage under the Indian Penal Code with reference to the legal provisions.

#### **Group-D**

**5 x 4=20 marks**

1. Who are entitled to claim maintenance under the Code of Criminal Procedure? What is the maximum amount of maintenance which can be granted and what is the procedure to be followed by the Magistrate dealing with such a case? Refer to relevant statutory provisions.

2. Set out the principles with regard to grant of bail under Sections 437 and 439 of Cr.P.C.

3. What is the procedure to be followed by a Magistrate when the complainant files a private complaint under the Code of Criminal Procedure? Refer to relevant statutory provisions.

4. What is the difference between the procedure prescribed for a warrant case and the procedure prescribed for a summons case? Refer to relevant statutory provisions.

5. What is plea bargaining and how will a case be disposed of on plea bargaining? Refer to relevant statutory provisions.

6. Discuss with reference to legal provisions the limitation prescribed for different types of offences, the exclusion of time in certain cases and extension of period of limitation in certain cases.

#### **Group-E**

**5 x 4=20 marks**

1. Discuss with reference to case law and the relevant statutory provisions the meaning of the phrases "facts in issue" and "relevant facts".

2. With reference to the statutory provisions, discuss whether confession made to a police officer or while in police custody is admissible and if so, to what extent and under what circumstances?

3. Discuss Section 32 of the Indian Evidence Act. Give some illustrations where such principle would apply.
4. What is secondary evidence and in which cases can secondary evidence be permitted to be led? Refer to the relevant provisions.
5. What are public documents and in what manner can they be proved in a Court of law. Answer with reference to relevant statutory provisions.
6. 'A' enters into a contract with 'B'. This contract is reduced to writing. A case is filed by 'B' against 'A' on the basis of the written contract and 'A' wants to plead that the terms of the contract were modified. Can he be permitted to prove such modification or lead any other oral evidence to show that he is not bound by the terms of the contract? Discuss with reference to case law.

**Group-F**

**5 x 4=20 marks**

1. What is the rule of strict liability? In which case was this rule evolved and what are the exceptions to this rule?
2. Tort is a civil wrong as distinguished from a crime-Discuss.
3. What is defamation? What is the distinction between libel and slander and what defamation constitutes a criminal offence?
4. Define assault and battery. Distinguish between them. What are the defences in an action for assault and battery?
5. What is malicious prosecution? On what basis can damages be claimed on the ground of malicious prosecution?
6. (a) What is nuisance?  
 (b) Define public nuisance. Under what circumstances is a private individual entitled to sue in respect of public nuisance?  
 (c) Distinguish between public and private nuisance.

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