

**HIGH COURT OF TRIPURA
MAIN WRITTEN EXAMINATION FOR DIRECT RECRUITMENT TO
GRADE-III OF TRIPURA JUDICIAL SERVICE, 2020**

LAW PAPER-II

100 Marks
[Duration: 3 Hours]

Part-I

The Indian Penal Code

Question No.1. Write short note on any two of the followings:

10 x 2 = 20 Marks

- (i) Right of private defence as provided under the Indian Penal Code.
- (ii) What is culpable homicide and what is the difference between culpable homicide amounting to murder and culpable homicide not amounting to murder?
- (iii) What are the ingredients of the offences of criminal misappropriation and criminal breach of trust and the difference between the two?
- (iv) What is an unlawful assembly? What is the distinction between common intention and common object?

Question No.2. Write short note on any one of the followings:

5 x 1 = 5 Marks

- (i) Difference between grievous hurt and simple hurt.
- (ii) Abatement of offence.
- (iii) Offence of defamation.

Part-II

The Code of Criminal Procedure, 1973

Question No.3. Write short note on any two of the followings:

10 x 2 = 20 Marks

- (i) The provisions made for granting maintenance under Section 125 of the Criminal Procedure Code, 1973 and the procedure laid down for granting such maintenance.
- (ii) Powers of a Magistrate to grant bail and the limitations of such powers.
- (iii) Warrant triable cases and summons triable cases and the difference in procedure between the two?
- (iv) What is charge? What is the importance of charge in a criminal trial? What would be the effect of defect in framing the charge?

Question No.4. Write short note on any one of the followings:

5 x 1 = 5 Marks

- (i) Difference between cognizable and non-cognizable offences and the power of the police to investigate into a complaint of commission of cognizable offence.

Part-III
The Evidence Act, 1872

Question No.5. Write short note on any two of the followings:
10 x 2 = 20 Marks

- (i) What is hearsay evidence? What is dying declaration? Is dying declaration an exception to the rule that hearsay evidence is not admissible in evidence? What is the evidentiary value of a dying declaration?
- (ii) Extra judicial confession. Is a confession made by an accused to a police officer or in presence of a police officer admissible in evidence? If so, under what circumstances?
- (iii) Explain the concepts of "facts in issue" and "relevant facts".

Question No.6. Write short note on any one of the followings:
5 x 1 = 5 Marks

- (i) Facts which need not be proved.
- (ii) Relevance of expert's opinion.

Part-IV
The Law of Torts

Question No.7. Write short note on any two of the followings:
10 x 2 = 20 Marks

- (i) Principles of strict liability.
- (ii) Which actionable wrongs constitute both tort and criminal offence?
- (iii) Explain the concept of vicarious liability by giving examples. Ordinarily vicarious liability arises out of civil wrong and not in relation to criminal activity. Are there any exceptions to this rule? If so, give example.
- (iv) Defamation as a civil wrong and the defences which may be available in action for defamation.

Question No.8. Write short note on any one of the followings:
5 x 1 = 5 Marks

- (i) Explain the phrase *volenti non fit injuria*
 - (ii) Difference between "tort" and "breach of contract"
-