

HIGH COURT OF BOMBAY AT GOA (PANAJI)
(PAPER-II)

2010

Time : 3 Hours

Max. Marks : 100

- N.B. : (1) Question Nos. 12 & 13 are compulsory.
(2) Answer any six from the first eleven questions.
(3) Marks to each question are indicated by figure in the margin on right hand.
(4) Number of optional questions upto the prescribed number in the order in which questions have been solved, will only be assessed and excess answers of the question/s will not be assessed.
(5) "Other than cited cases, candidate should not write roll number, any names (including his own), signature, address or any indication of his identity anywhere inside the answer book otherwise he will be disqualified".

1. Write short notes on any two: (10)
 - (a) Unlawful assembly and rioting.
 - (b) Kidnapping and abduction.
 - (c) Robbery and dacoity.
 - (d) Child witness and appreciation of his evidence.

2. Discuss the powers of the different classes of Criminal Courts under the Code of Criminal Procedure, 1973, in respect of: (10)
 - (a) Kinds of offences triable.
 - (b) Extent of sentences the respective Courts can pass.

3. A criminal complaint, disclosing cognizable offences is filed at the police station: (10)
 - (a) Do the police have to register the FIR.
 - (b) Can the police delay the registration of the FIR.
 - (c) If the FIR is not registered, what options under the Code of Criminal Procedure, 1973, are available to the complainant.

4. What is plea bargaining as per the Code of Criminal Procedure, 1973, and for which offences it is available? What are the powers of the Court in plea bargaining? (10)
5. Explain the considerations for grant of bail in non-bailable offences, and by which Court can such bail be granted? (10)
6. Discuss the scope and applicability of Sections 34, 149, 109 and 120-B of the Indian Penal Code? (10)
7. Discuss the burden of proof and standard of proof in criminal cases. When does the burden of proof lie on the accused? (10)
8. Define culpable homicide. When does it and when does it not amount to murder? (10)
9. What are the principles to be kept in mind in respect of a dying declaration? Can it be the sole basis of a conviction? (10)
10. Write short notes on: (10)
 - (a) Confessions and admissions.
 - (b) Insanity as a defence in a criminal trial.
11. What are the preconditions for applicability of Section 27 of the Indian Evidence Act, 1872? (10)
12. Write an essay on any of the following: (20)
 - (a) Brain mapping, lie detector test and narco analysis in investigations.
 - (b) Cyber crimes and the Information Technology Act, 2000.

13. Write a judgment on the following facts:

(20)

(Specify proper points for determination and give reasons for your conclusion on each point for determination. Conclude the judgment by proper and final order. To the extent it is necessary to elaborate appreciation of oral and documentary evidence, you are at liberty to fill in the details in the case from your imagination.)

The prosecution's case is as under:

The driver of an overloaded bus, again stopped for collecting more passengers. As the bus proceeded ahead, in a fast speed, on the curve of the road, it tilted to the left side and turned turtle and fell on the road. 4 passengers died and 20 suffered grievous injuries, whilst 15 suffered simple injuries. The Head Constable registered the F.I.R. against the driver, who was arrested and after the investigations, was charge-sheeted, for rash and negligent driving, knowingly causing death and causing injuries to the passengers.

The defence case was that the accused was not driving the bus. He also states that in any case, the accident occurred due to a mechanical defect of the bus.
