

EXAMINATION FOR RECRUITMENT TO GRADE-III
OF TRIPURA JUDICIAL SERVICE, 2013.

(LAW PAPER-II)

Full Marks-100

Time – 3 hours

Each question carries 20 Marks

(Answer any 5 questions, at least one question from each Group)

GROUP-A

1. A, a poor daily labourer with his wife B and their two minor children were sleeping in their hut. At mid night A heard a sound like pelting of stones on the roof of their hut. After a while A found his wife quietly going out of the hut. He remained silent. After about half an hour B returned to the hut. A asked where she had gone and an altercation took place between them. Hearing the altercation both the children woke up. A suddenly picked up an axe from the corner of the hut, struck repeated blows on the head of B causing severe bleeding injuries and B died on the spot.

At dawn A with his two children went out of the hut and after locking the door appeared at nearby police station. He narrated the whole facts which were recorded by the police officer as FIR. Thereafter, A led the police officer to his house in presence of others, opened the door of his hut and the dead body of B was found with bleeding head injury lying on the floor of the hut. A handed over the axe to the police officer who seized it. A was arrested and produced before the Judicial Magistrate with a prayer for recording his confessional statement. But A did not make any confession. Charge-sheet was filed against A for murder of B.

In course of trial A pleaded not guilty of the charge framed under Section 302 of IPC and also stated nothing in his examination under Section 313, Cr.P.C. He also adduced no defence evidence.

Write a reasoned judgment. Give your finding whether information given by A which was reduced into writing can be treated as FIR and whether contents of FIR can be accepted as a confessional statement. In case of conviction what punishment should be awarded?

20 marks.

2. (a) What do you mean by criminal misappropriation and criminal breach of trust? Discuss with examples.

10 marks.

(b) X, a Cashier of an office was entrusted to draw a bill from treasury. After drawing the bill X kept the amount in the locker of his scooter and went a little away in a shop to chew pan (betel leaf). On coming back to the scooter he found the lock of the scooter was broken open and the money was taken away. He immediately lodged an FIR to Police Station and also informed his senior authority. Police after investigation submitted charge-sheet against X under Section 409 of IPC.

Whether X has committed any criminal offence? If so, what offence he has committed and what punishment can be inflicted. Give reasons.

10 marks.

GROUP-B

3. (a) What is the difference between cognizable offence and non-cognizable offence.

5 marks.

(b) Discuss the power of police to investigate a cognizable offence.

5 marks.

- (c) Whether the power of police to investigate cognizable offence is subject to any limitation or control of the Magistrate? If so, to what extent? If not, why? .
5 marks.
- (d) Can a Magistrate direct re-investigation or further investigation? Give reasons in support of your answer.
5 marks.
4. (a) What is the importance of a Charge in a criminal trial?
5 marks.
- (b) What are the essential contents of Charge?
3 marks.
- (c) Can a Charge be altered? If so, at what stage of trial?
3 marks.
- (d) If Charge is altered or a new charge is framed after the recording of evidence is over, what procedure is to be followed by the trial Court?
3 marks.
- (e) Can a person charged of a major offence be punished for a minor offence?
3 marks.
- (f) What is the effect of omission to frame, or absence of or error in Charge?
3 marks.

GROUP-C

5. (a) What is meant by relevancy of facts?
5 marks.
- (b) Section 6 of the Evidence Act is an exception to the hearsay rule and admits of certain carefully safeguarded and limited exceptions and makes the statements admissible when such statements are proved to form a part of '*res gestae*'-discuss.
5 marks.
- (c) How far the facts showing existence of state of mind, or of body, or bodily feeling are relevant when such existence of mind, body or bodily feeling is in issue.
4 marks.
- (d) A is accused of murdering a woman. It is sought to be proved that previously A murdered his wife Y and so had a *mens rea* to murder X. Is it relevant?
3 marks.
- (e) A sues B for damage done by a dog of B which B knew to be ferocious. The fact that the dog had previously bitten X, Y and Z and that they had made complaints to B. Is the fact relevant?
3 marks.
6. (a) A witness in course of his examination may be contradicted with his previous statement recorded by the Investigating Officer in a criminal case or any other writing connected with the fact in issue or relevant fact --- discuss in the light of Section 162 of Cr.P.C. and Sections 145 and 157 of the Evidence Act.
10 marks.
- (b) What procedure shall be followed by a trial Court while examining a child witness?
5 marks.

- (c) What is a leading question? Can a party put leading questions to his own witness? If so, when? **5 marks.**

GROUP-D

7. (a) Define rashness, negligence and contributory negligence. **5 marks.**
(b) Discuss tortious liability referring to the doctrine of '*res-ipsa-loquitur*'. **5 marks.**
(c) Explain vicarious liability in master and servant relationship. **5 marks.**
(d) Explain the maxim '*actio personalis moritur cum persona*'. **5 marks.**
8. (a) Distinguish torts and breach of contract. **5 marks.**
(b) Which of the wrongs constitute both torts and crimes? **5 marks.**
(c) What is meant by the maxims '*damnum sine injuria*' and '*injuria sine damno*'. **5 marks.**
(d) What are the principles of strict liability and the rules of absolute liability. **5 marks.**

- (c) What is a leading question? Can a party put leading questions to his own witness? If so, when? **5 marks.**

GROUP-D

7. (a) Define rashness, negligence and contributory negligence. **5 marks.**
(b) Discuss tortious liability referring to the doctrine of '*res-ipsa-loquitur*'. **5 marks.**
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(b) Which of the wrongs constitute both torts and crimes? **5 marks.**
(c) What is meant by the maxims '*damnum sine injuria*' and '*injuria sine damno*'. **5 marks.**
(d) What are the principles of strict liability and the rules of absolute liability. **5 marks.**
