

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main Written Examination for Direct Recruitment to Grade-III of Arunachal Pradesh
Judicial Service, 2022.

Total Marks: 100
Date: 13.11.2022 (Sunday)

Duration: 3 hours
Time: 1 pm to 4 pm

[PAPER-IV(Law Paper-II)]

LAW OF TORTS

Answer the following five questions: (5 x 5 = 25 marks)

1. Discuss the circumstances in which the master is liable for the acts of the servant.
2. Write a short note on the difference between 'Tort' and 'Crime'.
3. A person fires an explosive which normally flies perpendicularly into the sky before it explodes, but it flew horizontally and fell and burst in the midst of a crowd in an open ground injuring a spectator. Discuss whether the maxim Res Ipsa Loquitor is applicable in a trial for suit for damages.
4. What is the distinction between Damnum sine injuria and Injuria sine Damnum.
5. Defences available against 'Tortious Liability'.

INDIAN PENAL CODE

6. Write short notes on the following: (2X5=10 marks)
 - (i) Different stages of commission of a crime
 - (ii) Inchoate offences
 - (iii) " In law a man's motive are irrelevant"
 - (iv) Difference between intention and motive
 - (v) "Presumption of innocence of the accused"
7. Seven persons faced trial for the offences of rioting and grievous hurt. The prosecution alleged that two persons gave fist and kick blows to the victim and two persons prevented his wife from coming to his rescue. The remaining three did not do any overt act. They all had come with the object of causing injuries to the victim. Decide whether the last three persons committed any offence. (5 marks)

8. In case of robbery, is there an element of theft or extortion? If yes, explain in which case theft is robbery and in which case extortion is robbery. (5 marks)

9. State and illustrate the law of cumulative penalties as stated in the Indian Penal Code. (5 marks)

LAW OF EVIDENCE

10. Write short notes on following: (2 X5 marks)

- (i) Privileged communication
- (ii) Primary evidence and secondary evidence
- (iii) "An accomplice is unworthy of credit unless his statement is corroborated with material particulars"
- (iv) Conspiracy is based on the principle of 'Agency'
- (v) Status of admission in civil cases

11. Section 27 of the Indian Evidence Act, 1872, is in the nature of an exception to Sections 24 to 26 of the said Act. Discuss. (5 marks)

12. An accused, while in police custody, gives information to the Investigation Officer that he purchased the murder weapon from an arms dealer and takes the Investigation Officer to the dealer's place and points him out. Whether the information given by the accused is admissible. Discuss with relevant case law. (5 marks)

13. Discuss the scope of 'Rule of Precaution' which should be followed when there is more than one dying declaration. (5 marks)

CODE OF CRIMINAL PROCEDURE

14. Choose the correct option: (1X4= 4 marks)

- (i) Section 299 of the Code of Criminal Procedure can be invoked only when:
 - (a) Accused is in custody
 - (b) Accused is declared an absconder
 - (c) Accused is declared an absconder and there is no immediate prospect to arrest him
 - (d) Accused is declared as dead
- (ii) Which section of the Code of criminal Procedure for proclamation for person absconding?
 - (a) 82
 - (b) 83
 - (c) 87
 - (d) None of the above
- (iii) As per Section 164 A of the Code of criminal Procedure, medical examination of a rape victim shall be:

- (a) Within 24 hours of the commission of the offence
 - (b) Within 24 hours of the lodging of the FIR
 - (c) Within 24 hours from the time of receiving information relating to the commission of the offence
 - (d) None of the above.
- (iv) Period of limitation for filing an application for recovery of maintenance allowance due under Section 125 of the Code of Criminal Procedure is:
- (a) One year
 - (b) Two years
 - (c) Three years
 - (d) No limitation

15. Write short notes on the following: (2X3= 6 marks)
- (i) Difference between taking cognizance by a Magistrate under Section 190 and taking cognizance by Court of Sessions under Section 193 of the Code of Criminal Procedure.
 - (ii) A complaint was dismissed under Section 203 of the Code of Criminal Procedure. What is the legality of reversal of dismissal order in revision in the absence of accused?
 - (iii) Procedure to be followed when charge is altered and the effect of error of charge.
16. During investigation of a case, A's statement was recorded under Section 161 of the Code of Criminal Procedure. During trial, A is not examined as a prosecution witness but the accused examines him in his defense. In his cross-examination by the State, the Prosecutor wants to contradict A by reference to his statement recorded under section 161 of the Code of Criminal Procedure. The defense raised an objection. Decide the objection. (5 marks)
17. Can a person, not being an accused, be proceeded against by the Court in the course of an enquiry or trial of an offence? If yes, under what circumstances? (5 marks)
18. When information is given to the Officer-in-Charge of a Police Station regarding the commission of an offence within the limits of such station of a non-cognizable offence, what procedure is to be followed by such Officer-in-Charge of the Police Station? (5 marks)
