

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Arunachal Pradesh & Mizoram)

**Main Written Examination, 2014 for direct recruitment to Grade-I of Assam,
Nagaland and Arunachal Pradesh Judicial Service [23-03-2014, Sunday]
(Paper-III)**

Total Marks: 100

Time: 3 hours

**You are expected to refer to the relevant decisions of the apex court and the
High Courts while writing answers.**

CONSTITUTIONAL LAW (Group-A)

Answer any 8 (Eight) questions.

(8X5=40 marks)

- 1) Describe the duties of a Chief Minister in respect of furnishing of information to the Governor.
- 2) What steps are to be taken by the Government regarding safety of female at work place with reference to the directions issued by the Apex Court in Vishakha's case?
- 3) Explain the Fundamental Duties of a citizen of India.
- 4) How can the citizenship of India be terminated? Explain.
- 5) Write short note on: (i) Principle of collective responsibility
(ii) Writ of Certiorari
- 6) Explain the Ordinance making and pardoning powers of the President of India.
- 7) Right to Information is a fundamental right. Explain.
- 8) Directive principles have been given the status of fundamental rights. Comment.
- 9) Describe privileges of the Legislature.

JURISPRUDENCE (Group-B)

Answer any 2 (two) questions.

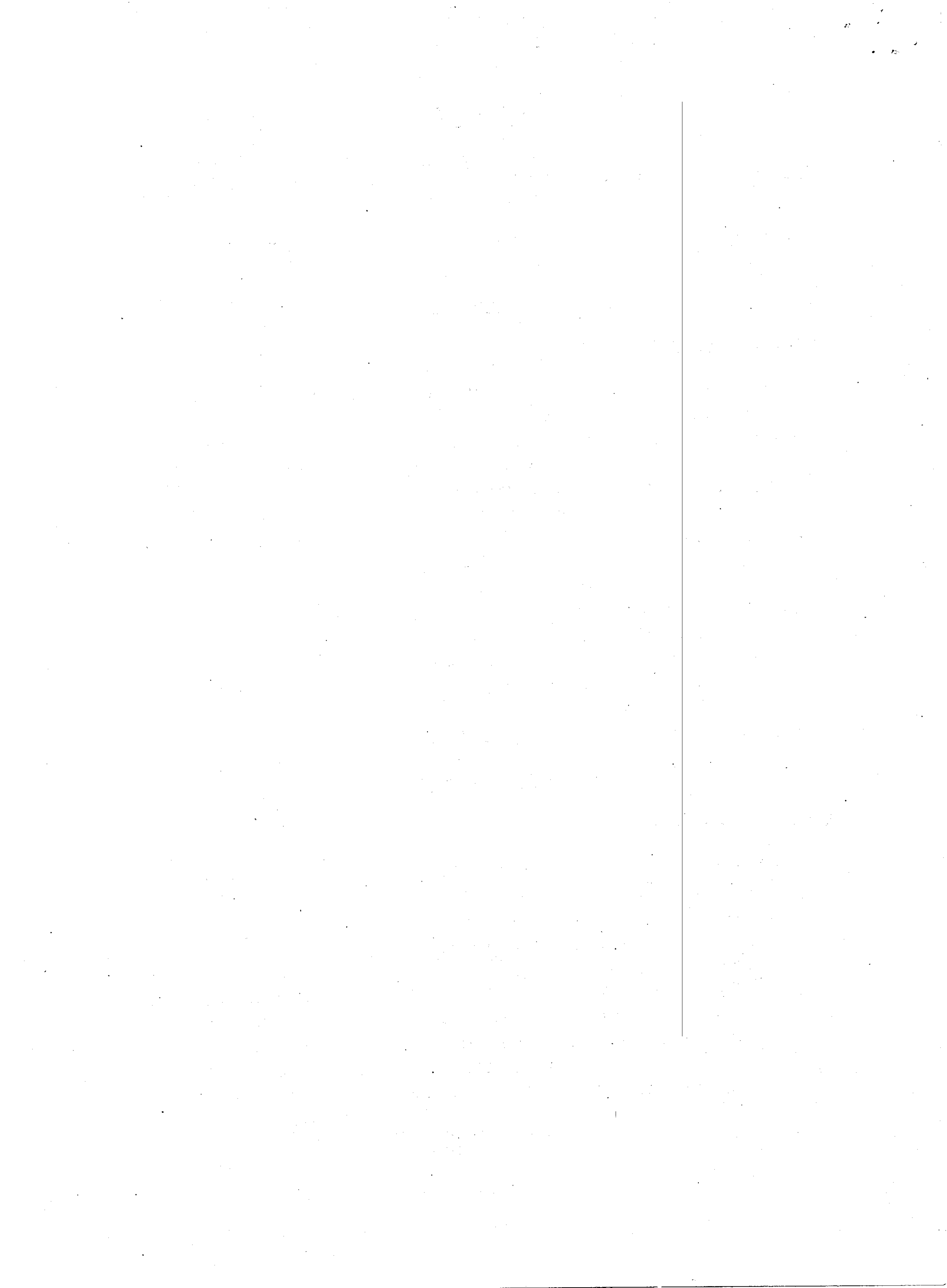
(10x2 = 20 marks)

- 1) When strict rules come to hardship, equity shall apply. Explain.
- 2) Guarantee of equality before the law is an aspect of the Rule of Law. Explain.
- 3) Enumerate the requisites of a valid custom.
- 4) What is judicial discretion? Explain.
- 5) Delay, laches, acquiescence and waiver disentitles the petitioner for relief. The inordinate delay and laches disentitle a person to obtain relief from the court. Inordinate delay is not merely a factor for the court to refuse appropriate relief but also a relevant consideration not to unsettle the settled things.

JUDGEMENT WRITING

1. **Write a judgment**
(Paper Book enclosed.)

40 marks.



(2)

PAPER BOOK

(5)

PAPER BOOK

(3)

Seen
Sd/-Illegible
C.J.M
~~Seal~~
29.10.05

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. No. 946/05

1. Dist. Jorhat.....PS.....Jorhat ...Year....2005

.. FIR No 384Date.....29.10.05

(i) Act.....IPC.. Section... 302

ii) *Act.....x.....Section.....x.....

iii) *Act.....Section.....x.....

iv) *Other Acts & Section.....x.....

3. A) General Dairy Reference : Entry No.....Time.....

B) *Occurrence of offence: *Day... Fri-Day Date 28.10.05 Time

..... not noted

C) Information received Date 29.10.05 Time 1.30 P.M. G.D. No.
at the Police Station:.....

4. Type of InformationWritten/ Oral.....Written.....

5. Place of occurrence: a) Direction and Distance from P.S.

About 10 K.M. South.

b) *Address.....Gotouja Tea estate Natun Line charaibah, Beat
No.....

c) In case limit of this Police Station, then the name of P.S.
.....District x.....

6. Complainant/ Informant :

a). Name..... Mr Kishore Baruah

b). Father's name ...

C). Date/year of Birth

d). NationalityIndian.....

e) Pass port NoDate of issue.....Place of issue

(4)

2

f) Occupation Service.

g) Address... ^{Yontang} Gotouja T.E. P.S. Jorhat.

7. Details of knows/suspected/unknown accused with full particulars :

Sri Ashok Tanti
Of Gotouja T.E. Natun Line.
P.S. Jorhat.

8. Reasons for delay in reporting by the Complainant/ Informant:

9. Particulars of properties stolen/ involved (Attach separate sheet if reqd):.....

10. * Total value of properties stolen/involved:.....

11. * Inquest Report/ U.D. Case No., if any.....

12. First Information Contents (Attach separate sheets, if required):

Copy enclosed here with.

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item No.2 registered the case and took up the investigation/directed : S.I. Utpal Kr. Das.....totake up the investigation/ transferred to P.S.....on point of jurisdiction.

F.I.R. read over to the complaint/ informant, admitted to be correctly recorded and a copy given to the complainant/ informant, free of cost.

Sd/- Dilip Sarmah
Signature of the Officer In – Charge
Police Station with

Name : Dilip Sarmah
Rank : S.I. O/C
Number if any Jorhat P.S.
Dtd. 29.10.05

Sd/- Kishor Barooah. Age 33 yrs.
Signature/ Thumb impression of the
Complainant/ Informant.

Syl:
C/o. Barooah Barooah

Ext. 3
Sd/-Illegible
Addl. Session Judge
Jorhat
10.4.06.

Seen
Sd/- illegible
C.J.M
29.10.05

(5)

EJAHAR
GR NO. 946/05

To

The Officer in Charge
Rowriah Police station

Dear Sir,

There has been a complaint regarding murder, of Smti Labanya Tanti by her husband Shri Ashok Tanti a resident of Natun Line at Gatoonga Tea Estate the resident of the line has approached is to report the matter to police station. We therefore request you to kindly look in to the matter and do the necessary as deemed fit. Thanking you.

Ext 3 (1)
Sd/- illegible
Addl. Sess. Judge
Jorhat
10/4

Yours Faithfully
Sd/- Kishor Barooah
For. Asstt. Register
Gatoonga T.E.

The neighbor has reported that they went to work at 7.00 A.M. and while returning from work at 6.00 P.M they heard about the case and came to the Forensic Asstt. Register to inform the police.

Received vide Rowriah of G.D.E. No 540 dtd 28.10.2005 at 10.30. P.M. and forwarded to O/C the P.S. for favor of registering a

(6)

4

case under *proper* Section of Law: I have duly
taken up the investigation of the case.

Ext 3 (2)

Sd/- illegible

28.6.06

Sd/- Utpal Kr. Das

Seal

28.x.05

Received and Registered Jorhat P.S. Case No 384/05 dt. 29. 10.

05. U/s 302 IPC

Sd/- Dilip Sarmah. S.I

Seal

29.10.05

CHARGES WITH DOORHEAD.

(7)

(No. 32 (II). Schedule II. 1 Act. of 1974)
(Section 221/212/213 of Code of Criminal Procedure. 1973)

SESSION CASE NO. 18 (J.J)/06

(1) Name and Office of
Magistrate/

I, (1) Shri S.M. Haque, AJS.,
Addl. Sessions Judge, Jorhat.

(2) Name of the accused

hereby charge you (2) Shri Ashok Tanti @
Patra.
as follows

(3) Date and place

First - That you, on or about (3) 28.10.05t

at day time at Gatanga Tea Estate Natun Line. had
committed murder by intentionally / knowingly
causing the death of your wife Smti. Labanya Tanti,

and thereby

committed an offence punishable under Section 302
of the Indian Penal Code and within the cognizance of my Court. of
Sessions,

of the Indian Penal Code

~~Secondly - That you, on or about~~ at

and thereby

~~committed an offence punishable under Section~~
~~and within the cognizance of my Court~~

of the

And I hereby direct that you be tried on the said charge.

Dated the 28th day of March 2006

(Sections 228 (2), 240 (2), 246 (2) of Criminal Procedure Code)

Dated this 28th March/06 the day of

Signature of the Magistrate
Addl. Sessions Judge,
Jorhat.

The above charge is read over
and explained to the accused to which he
pleaded not guilty.

Signature of the Magistrate

A. G. P. (J.B.) A. S. VIII, F. No. 250/2006

(8)

- 6 -

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE JORHAT

G.R. CASE NO. 946/05

STATE

-VS.-

Ashok Patra @ Tanti

COMMITMENT ORDER

Dated : 9.3.06

Accused person Shri Ashok Tanti @ Ashok Patro is produced from Jail Custody.

Copy furnished in compliance with ^{Sec.} Sec 207 ^{Cr. P.C.} Cr. P.C.

Since the alleged offence is U/S. 302 IPC, which is exclusively triable by the Hon'ble Court of Sessions Judge, let the case recorded along with the documents and articles, if any. He committed to the hon'ble court of Sessions Judge, Jorhat.

Notify the learned P.P.

Send back the accused person to the jail custody with a direction to the j-ail authority to produce the accused person before the Hon'ble Session, Judge. Jorhat.

Fixed 20.3.06 for production.

Sd/- illegible

6-7-

(9)

Assam Schedule VIII Form No. 93

High Court Criminal Form No.(M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 1

aged about 56 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me S.M. Haque Addl. Sessions Judge, Jorhat this 10th day of April 06

My name is Sri Siba Tanti.

My father's name is Lt, Ugri Tanti

I am by caste Hindu My house is at Mouza Natun Line

Gatonga T.E.

Police Station Jorhat District Jorhat

I reside at present in Mauza Natun Line, Gatonga T.E.

Police Station Jorhat District Jorhat

Where I am garden Employee.

On S/A,

Accused Ashok is my son in law (daughter's husband). This accused had married my only daughter Labanya some 2 ½ years prior to her death. They had no issue. The accused was living in my house with daughter Labanya as 'gharjowai' (person residing in his father in law's house- Tr)

The incident took place on 28.10.05. leaving my daughter Labanya and her husband at my house, I left for my duty in there morning. Except for we three, there are no other person at my house. My wife died long before. I have no other child.

In the evening, I returned home from my duty. I found the door closed. I called out my daughter as "Ma, Ma". She did not reply. I saw the door kept tied up from outside. Untying the door, I ^{entered} ~~exerted~~ the house. As it was dark I flashed the torch. I saw my daughter lying dead on the floor in the inner room. The house has two rooms. I saw the lower ^{of one} portion of the eyes became red. I saw one pliers [^] lying on the place where she was lying. I raised hue and cry. People came. I do not know whom the public informed. Police came and examined the dead body. Ext. 1 is the inquest report. Ext 1 (1) is my signature. I did not find my son – in – law Ashok. He did not return home. That night police did not find him. Next morning, some village lads found Ashok hiding himself in a school at 'Char' area. They kept him tied up. Police was informed. Police came and took him away. The accused admitted before us that he had committed the crime. The accused did not tell how he had killed Labanya. I heard that he gave a lathi and a black wire to the police. I was not present when he gave those two articles. Police seized those. I put my signature on the seizure list. Ext 2 is the said seizure list. Ext 2 (1) is my signature. M. Ext. ~~Ka~~ is the lathi. M. Ext. kha is the wire.

XXXXXXXXXXXX

Ashok and Labanya had no dispute. I never saw them quarreling. The house_s of Bhim Rajak, Kemen Turi, Naresh Turi are close to my house. The garden line road runs along the front of our houses. I had another daughter. She eloped with a boy long before Labanya's marriage. The bamboo basket, where paddy is stored in was there in the room where Labanya was lying. Bikram's house is in the back side of my house. Coming back from my duty,

I called my daughter ^{but} ~~lent~~ she did not reply when Bikram's 10/12 years old daughter whom we call as matu told that

