

DATE:- 28-04-2013  
TIME:- 1 pm to 4 pm.

**WRITTEN EXAMINATION, 2013**  
**for GRADE-III**  
**of**  
**NAGALAND JUDICIAL SERVICE**  
**GAUHATI HIGH COURT**

**Paper-IV (Law Paper 2)**

**Total Marks-100**

**Time – 3 (three) hours**

**\*N.B:** All questions carry equal marks. Answer any **twenty** questions in total.\*

1. "No confession made to a police officer shall be proved as against a person accused of any offence". Explain.
2. State the differences between:  
(a) 'Criminal force' and 'Assault'                      (b) 'Kidnapping' and 'Abduction'.
3. What is the distinction between culpable homicide and murder?
4. Distinguish between admission and confession.
5. On his way to market John finds a purse with money. He does not know to whom it belongs. He does not make any enquiry as to its owner. He immediately sells it. What is the offence (if any) committed by him?
6. What is the presumption if a man refuses to answer a question which he is not compelled to answer?
7. What is a document under the Evidence Act?      What are private documents and public documents?
8. (a) Who is an accomplice?  
(b) What does 'counterfeit' mean under IPC?
9. Problem – **A** gives ten strokes to **Z** with a stick. Whether **A** can be punished for each blow separately? Explain.
10. Problem – Decide the liability of **A** in the following:  
(a) **A** received divine orders in his sleep to sacrifice his child of five years of age. He carries out the order and kills his son.

- (b) **B** claimed that his body was resistant against sharp instruments and invited **A** to get the fact tested. **A** cut **B** on arm but **B** bled to death.
11. Differentiate between –  
(i) Extortion and Intimidation  
(ii) Criminal Force and Assault
12. Problem – Decide the liability of **A** in the following:  
(a) **A** without knowledge of the guardian takes **H**, a girl of 15 years out of the possession of her guardian on the request of the girl. He restores her after one week to her parents.  
(b) **A** and **B** are fighting and **B**'s wife with a baby on her shoulders intervenes. **A** struck the lady but it fell on the infant who is killed.
13. Discuss points of distinction between the following:  
(a) 'Rioting' and 'Affray'                      (b) 'Theft' and 'Extortion'.
14. A terminally ill patient, who is eighty years old, requests his doctor to give him a lethal injection, so that he may die peacefully. The doctor administers the injection which results in death of the patient. Is doctor guilty of some offence under the Indian Penal Code? Explain
15. Distinguish "common intention" from "common object" as the expressions have been used in the Indian Penal Code.
16. Distinguish between 'Rape' and 'Adultery'.
17. What defenses are available to a person charged with the offence of defamation? Illustrate your answer.
18. Define and distinguish between Theft, Extortion, Robbery and Dacoity. Illustrate your answer.
19. Discuss the essentials of wrongful confinement and distinguish it with wrongful restraint.
20. (a) Discuss the evidentiary value of –  
(i) 'Dying Declaration'  
(ii) Retracted Extra-judicial confession.  
(iii) Testimony of an 'Accomplice'.  
(iv) Opinion of an "handwriting Expert"

21. What are the privileged communications? **A**, a client says to **B**, a Lawyer, "I wish to obtain the possession of the property by the use of this forged deed on which I request you to sue". Is this communication protected from disclosure?
22. Write notes on (any three) :
- |                     |                        |                   |
|---------------------|------------------------|-------------------|
| (1) Hostile witness | (2) Interested witness | (3) Child witness |
| (4) Expert witness  | (5) Competent witness  |                   |
23. Judicial Confession and Extra-judicial Confession.
24. What are leading questions? Who can put them? Illustrate your answer.
25. Is the previous bad character of an accused relevant in a criminal trial? Indicate a few such cases?
26. Can evidence be led by an accused in defence to prove that a witness against him was bribed by the complainant to depose against him, why?
27. Write brief illustrative notes on the following:  
What happens when a prosecution witness is allowed to be cross-examined by the public prosecutor?
28. Distinguish between primary and secondary evidence. **A** gives a receipt to **B** for money paid by **B**. **B** does not produce the receipt but offers oral evidence of the payment. Is such evidence admissible?
29. What is a charge? What should be the content of the charge? Under what circumstances a charge can be altered?
30. F.I.R. is not a substantive piece of evidence. When can it be used during trial? Explain.
31. Write briefly regarding statements under section 164 Cr.P.C., their admissibility and its value.
32. Explain the circumstances under which a wife can claim maintenance from her husband? Can a daughter be asked to maintain her father?
33. Explain the circumstances under which a person accused of commission of any non-bailable offence can be released on bail?
34. What is mode of delivery of judgement? Can a Court alter a judgement after it has been delivered?
35. What is the difference between ordinary bail and anticipatory bail?

36. An electric supply company, is responsible for the generation and distribution of electricity in Delhi. **A**, while passing through a street in Chandni Chowk, on a rainy and windy day gets electrocuted and dies, after coming in contact with a live electric wire, which was snapped from an electric pole and fell on the road. Whether his heirs would be entitled to compensation and from whom and to what amount? Decide.
37. What is a tort? Distinguish between Contract and Tort.
38. Discuss, legal maxim 'volenti non fit injuria'.
39. (a) A dying declaration is admissible
- (i) Only in criminal proceedings
  - (ii) Only in civil proceedings
  - (iii) Both in civil as well as criminal proceedings
  - (iv) In criminal proceedings alone and not in civil proceedings.
- (b) Admissibility of electronic record has been prescribed under
- (i) Section 64 of Evidence Act
  - (ii) Section 65 of Evidence Act
  - (iii) Section 65B of Evidence Act
  - (iv) Section 65A of Evidence Act
- (c) Indian Evidence Act was drafted by
- (i) Lord Macaulay
  - (ii) Sir James E. Stephen
  - (iii) Huxley
  - (iv) Sir Henry Summer Maine
- (d) The law of evidence consists of
- (i) Ordinary rules of reasoning
  - (ii) Legal rules of evidence
  - (iii) Rules of logic
  - (iv) All the above
- (e) Fact in issue means
- (i) Fact, existence or non-existence of which is admitted by the parties
  - (ii) Fact, existence or non-existence of which is disputed by the parties
  - (iii) Fact existence or non-existence of which is not disputed by the parties
  - (iv) All the above
40. 'Cross examination is an effective weapon to elicit truth'. Examine the correctness of this statement in the light of the provisions in the Evidence Act?

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