

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)
**Main Written Examination (2016) for direct recruitment in Grade-III of Nagaland
Judicial Service & Arunachal Pradesh Judicial Service**

Date: 23 -07-2017 (Sunday), Time: 1.00 pm to 4.00 pm

Total Marks: 100 marks

Duration: 3 Hours

PAPER - IV

(Law Paper-II)

INDIA PENAL CODE

- Q. 1 Write short notes on any 2 (two): 2 X 5 = 10
- a) Common intention and common object
 - b) Kidnapping and abduction
 - c) *Mens Rea* under India Penal Code
 - d) Defamation
- Q.2 What are the basic ingredients of the offence of theft? What is the distinction between theft and robbery? (4 marks)
- Q.3 Enumerate the distinction between murder and culpable homicide not amounting to murder. (4 marks)
- Q.4 A 5 years old boy stabs a person with a knife. Whether the said boy has committed an offence? (1 mark)
- Q.5 What is the definition of *Hurt* under the Indian Penal Code? (2 marks)
- Q.6 What constitutes cruelty under section 498A of Indian Penal Code? (2 marks)
- Q.7 What are the ingredients of offence of Criminal Conspiracy? Is it punishable if no further act is committed pursuant thereto? (2 marks)

CODE OF CRIMINAL PROCEDURE

- Q. 8 Write short notes on any 2 (two): 2 x 5 = 10
- a) Public Prosecutor
 - b) Closure report of a case
 - c) Right of victim to seek legal assistance
 - d) Victim compensation scheme under Code of Criminal Procedure
- Q.9 Enumerate the distinction between cognizable and non-cognizable offences. (4 marks)
- Q.10 What are the consequences of compounding of an offence u/s 320 of the Code of Criminal Procedure. Briefly discuss. (2 marks)
- Q.11 Write a brief note on the powers of the Court to grant maintenance u/s 125 of the Code of Criminal Procedure. (4 marks)

Choose the correct answer – each question carries 1 mark (Question No. 12 & 13)

Q.12 Powers of Judicial Magistrate to grant bail are found in

- a) Section 437 of Code of Criminal Procedure.
- b) Section 438 of Code of Criminal Procedure.
- c) Section 439 of Code of Criminal Procedure.
- d) All the above

Q.13 Statements recorded by the police u/s 161 of the Code of Criminal Procedure can be used in trial for

- a) corroboration
- b) contradiction
- c) not admissible
- d) none of the above

Q.14 Enumerate the basic principles to be considered by the court while considering the question of framing of charge against the accused. (3 marks)

INDIAN EVIDENCE ACT

Q. 15 Write short notes on any 2 (two):

2 x 5 = 10

- a) Primary evidence and secondary evidence
- b) Estoppel
- c) Rule of *res gestae*
- d) Public documents and private documents

Q.16 Whether a confession made by an accused before a police officer is admissible in evidence? Indicate the provisions of law. (2 marks)

Q.17 Write short note on the distinction between direct evidence and hearsay evidence. (3 marks)

Q.18 Can a dying declaration be relied upon solely to base a conviction thereupon? (2 marks)

Q.19 What is a leading question in terms of section 141 of the Evidence Act? (2 marks)

Q.20 Write a brief note on cross-examination. (3 marks)

Q.21 Whether a child is a competent witness? Discuss the provisions of law pertaining to child witness. (3 marks)

LAW OF TORTS

Q.22 Write short notes on any 2 (two):

2 x 5 = 10

- a) Libel and slander
- b) *Injuria sine damnum and damnum sine injuria*
- c) *Volenti non fit injuria*
- d) Act of God

- Q.23 Examine and explain the distinction between malice in law and malice in fact. (4 marks)
- Q.24 What do you mean by vicarious liability? (3 marks)
- Q.25 Discuss the concept of ' Res Ipsa Loquitor' with reference to case law. (4 marks)
- Q.26 Briefly discuss the doctrine of strict liability as applicable in India. (4 marks)

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