

THE GAUHATI HIGH COURT AT GUWAHATI

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

MAIN WRITTEN EXAMINATION FOR DIRECT RECRUITMENT TO GRADE III
OF
THE NAGALAND JUDICIAL SERVICE, 2024

Date : 27.10.24 (Sunday)

Time :1 P.M.-4P.M.

Total Marks :100

Duration : 3 Hrs

PAPER-IV
(Law Paper-II)

Group A : INDIAN PENAL CODE

1. Answer any five of the following questions:

2 x 5 =10

- a.** A, who is a citizen of India, commits murder in Russia. Can he be tried and convicted of murder in any place in India in which he may be found? Answer citing reasons.
- b.** Explain section 34 of the Indian Penal Code.
- c.** What are the kinds of punishments to which offenders are liable under the provisions of Indian Penal Code?
- d.** "A", a Judicial Magistrate 1st Class, convicts "B" under Section 342 of the Indian Penal Code for wrongful confinement and sentenced him to undergo simple imprisonment for one year. Later on, in the appeal against the said judgment, the conviction and sentence were set aside by the Appellate Court holding the Trial Court's judgment to be wrong. In the meanwhile, "B" has already served out the sentence imposed on him. Can "A" be tried for the offence of wrongful confinement. Answer with reasons.

e. "A" consumes liquor with his friends in a party. Thereafter, in an inebriated state, he assaults "B" and causes grievous hurt on his person. During the trial, "A" takes the plea that he was unaware of what he did as he was in an intoxicated condition. Whether he may be exonerated from the criminal liability of causing grievous hurt to "B"? Answer with reasons.

f. "A", tries to commit rape on "B", but he could not do so due to the resistance by "B". To save herself, "B" hit "A" on his neck with a "dao" (machete) as a result of which "A" dies. Whether the right of private defence of "B" extends to causing death of "A" in this case ? Explain briefly.

2. Answer any two of the following questions:

3 x 2 = 6

a. Explain abetment of a thing under Section 107 of the Indian Penal Code.

b. What are the differences between the "assault" and the "criminal force"?

c. Whether a man may be penalised for committing sexual intercourse with his own wife?

3.

Explain "Murder" under Section 300 of the Indian Penal Code.

1 x 5=5

4.

What are the differences between theft, extortion, robbery and Dacoity?

1 x 4=4

Group-B: CRIMINAL PROCEDURE CODE

5. Answer any five of the following questions.

5 x 2 = 10

a. Whether a private person can arrest another person under the provisions of the code of criminal procedure, 1973?

b. Under what circumstances a search warrant maybe issued by any court?

c. Whether force can be used for medical examination of an accused of rape, during investigation?

- d. What is the difference between Section 41A and Section 160 of the Code of Criminal Procedure, 1973?
- e. Under what circumstances a Magistrate may take cognizance of any offence under the Code of Criminal Procedure, 1973?
- f. What has been provided for in Section 169 and 170 of the Code of Criminal Procedure, 1973?

6. *Answer any two of the following questions:*

2 x 5 = 10

- a. What are the differences in the procedure of the trial of a warrant case by Magistrate which is instituted on a police report and a warrant case instituted otherwise than on a police report ?
- b. What are the essential conditions for granting maintenance under section 125 of the Code of Criminal Procedure, 1973?
- c. What is the procedure contemplated in the Code of Criminal Procedure, 1973 where any dispute concerning land or water is likely to cause breach of peace?

7. What are the provisions in the Code of Criminal Procedure, 1973 dealing with various aspects of "judgment"?

5

Group-C: INDIAN EVIDENCE ACT

8. *Answer any five of the following questions:*

2 x 5 = 10

- a. What is "res gestae"?
- b. What is "Test Identification Parade"?
- c. When "admission" is not relevant in a civil case?
- d. When the previous bad character is relevant in a criminal case?
- e. Which facts need not to be proved in judicial proceeding?

f. When does opinions of experts are relevant in a judicial proceeding?

9. Answer any three of the following questions.

3 x 5=15

a. What is secondary evidence, when it may be given?

b. What conditions are to be fulfilled for admissibility of electronic records?

c. What are the differences between public documents and private documents?

d. How a witness has to be cross-examined, as to the previous statement made by him in writing or reduced into writing, for the purpose of contradicting him?

Group-D: LAW OF TORTS

10. Answer any five of the following:

5 x 5=25

a. Write brief notes on "Donoghue -vs- Stevenson".

b. Write brief notes on "Ashby -vs- White" and the "Gloucester Grammer School Case".

c. Write brief notes on "Tortious Liability".

d. Discuss the doctrine of strict liability as propounded in the case of "Rylands - vs- Fletcher".

e. What are the general defences against tortious liability?

f. Write short notes on vicarious liability.

g. What distinctions between "Tort" and "Crime"?
