

MANIPUR JUDICIAL SERVICE GRADE-III EXAMINATION 2015

LAW PAPER - II

TOTAL MARKS: 100 MARKS

DURATION: 3 HOURS

SECTION A – 25 MARKS

SECTION B – 25 MARKS

SECTION C – 25 MARKS

SECTION D – 25 MARKS

SECTION – A

(EACH QUESTION CARRIES 5 MARKS)

1. 'A' instigates 'B' to the commission of an offence by means of a letter sent through post. The letter never reaches 'B'. Whether 'A' has committed any offence?
2. State the circumstances under which culpable homicide amounts to murder. A is lawfully arrested by B, a bailiff. A is excited to sudden and violent passion by the arrest and kills 'B'. State what offence 'A' has committed.
3. Write a note on 'Criminal Misappropriation' and 'Criminal Breach of Trust'. Discuss differences between both of them.
4. Albert a servant aged about 9 years stole a new 'Titan' watch worth Rs.5,000/- from table of his employer and sold to John, a student aged about 25 years for Rs.1,000/- Both Albert and John put on trial. Albert is charged with theft and John is charged for receiving the stolen property. How would you decide the case?
5. Seven persons faced trial for offence of rioting and grievous hurt. The prosecution alleged that two persons gave fist and kick blows to victim and two persons prevented his wife from coming to his rescue. Remaining three did not do any overt act. They all had come with the object of causing injuries to the victim. Decide whether last three persons committed any offence.

SECTION – B

(EACH QUESTION CARRIES 5 MARKS)

1. Discuss briefly the power of the sentencing court to release a convicted person on probation of good conduct.
2. 'X' was charged under section 325 IPC for causing grievous hurt voluntary to 'Y'. After the evidence had been recorded, both 'X' and 'Y' moved the Court for permission to compound the said offence. The Magistrate refused permission on the ground that the compensation paid by 'X' to 'Y' was meager. Discuss the legality of the Order.
3. Discuss the Power of a Judicial Magistrate to grant bail in cases of non-bailable offences.
4. What constitutes FIR? Discuss in brief evidentiary value of FIR in a Criminal Trial?
5. The prosecution in a trial for offence u/s 302 IPC Produced witness 'A'. 'A' during his cross examination by the defense admitted (i) that he signed his statement recorded u/s 161 Cr.P.C. and (ii) that his said statement was read over to him by Investigating Officer outside the court room before he entered the Witness Box. The defense pleaded that entire testimony of "A" be excluded from consideration. Decide.

(2)

SECTION – C
(EACH QUESTION CARRIES 5 MARKS)

1. Write note on following:-
 - a. Rule of *Res gestae*
 - b. Retracted Confession
2. Section 27 of the Indian Evidence Act, 1872 is in the nature of an exception of Sections 24 to 26 of the Act. Discuss.
3. Discuss scope of Rule of Precaution which should be followed when there are more than one dying declarations?
4. Can the Court look into the opinion of a person who is not a party to the proceedings before court? Discuss.
5. Write a short note on credibility of 'Accomplice Evidence'. The accused was charged with murder of his wife. His friend turned approver who disclosed the accused's intimacy with another girl. The accused had hatched a conspiracy with the help of approver. Discuss whether testimony of approver is admissible.

SECTION –D
(EACH QUESTION CARRIES 5 MARKS)

1. Discuss the circumstances in which master is liable for the acts of servant.
2. Explain the distinction between *Damnum sine injuria* and *Injuria sine Damnum*.
3. Write a note on defenses available against 'Tortious Liability'.
4. What is the distinction between 'Tort' and 'Crime'? Write a short note.
5. A person fired 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 causing injury to a spectator. Discuss whether maxim '*Res Ipsa Loquitur*' is applicable in a trial for suit for damages.