

HIGH COURT OF JUDICATURE AT BOMBAY
(APPELLATE SIDE)
MAIN WRITTEN EXAMINATION – 2020
FOR THE POST OF DISTRICT JUDGE
PAPER II – CRIMINAL LAW
QUESTION PAPER

Date : 1st August, 2021

Total Marks: 100

Time : 11.00 a.m. to 2.00 p.m.

INSTRUCTIONS

1. All questions are compulsory.
 2. Figures to the right indicate marks.
 3. Answers to optional questions, in excess of prescribed number, will not be assessed.
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Q.1. Write a Judgment on the following facts after mentioning bare necessary facts and presuming that necessary witnesses were examined and relevant documents have been produced. **(30)**

The Accused No.1 got married to Nargis on 21st May, 2013. The Accused No. 2, the mother of Accused No. 1 was residing with them. After few months of marriage Nargis had complained to her parents that she was being ill-treated to meet an unlawful demand of money. It was alleged that three days prior to 15th January, 2015 Nargis had been to her maternal house to fetch Rs.1,50,000/- for Accused No.1. However, her parents could pay only Rs.1,00,000/- and, therefore, she returned to her matrimonial home with Rs.1,00,000/-. The Accused Nos. 1 and 2 got annoyed and, raked up a quarrel with her on the said count. The accused had asked Nargis to leave matrimonial house. However, she declined and retorted. Thereafter Accused No.2 exhorted the Accused No.1 to eliminate Nargis. Thereupon, the Accused No.1 gave a can of kerosene to Nargis. Nargis poured kerosene on her person. On a second thought, whilst she was changing her clothes soaked with kerosene, the Accused No.1

struck a match-stick and set her ablaze. Nargis was taken to Sub-District Hospital, Achalpur by her husband i.e. the Accused No.1. Therefrom, she was referred to Civil Hospital at Amravati. The Medical Officer gave intimation to the Police. The Police then requisitioned the services of an Executive Magistrate to record the dying declaration of Nargis. The Executive Magistrate recorded the dying declaration of Nargis. Nargis succumbed to the burn injuries on 18th January, 2015 in Civil Hospital at Amravati. Crime was registered.

After usual investigation, Accused Nos. 1 and 2 were sent for trial. The prosecution examined nine witnesses including the parents, Medical Officers, Executive Magistrates, Panch Witnesses and Investigation Officer.

In their defence, the accused examined Kazi Sayyed Fasihuddin who had solemnized the marriage of the Accused No.1 with the deceased, to demonstrate that the signature on the dying declaration was different from the signature on the Nikahnama.

Write a Judgment.

Q.2. Answer any two of the following with supporting reasons :- (20)

- A. During a cricket match fight ensued between the rival teams wherein 'Y' sustained number of injuries. Thereupon, 'Y' fired a gun shot on the assailants from opposite team. The bullet missed the target and killed a bystander. What offence, if any, 'Y' has committed?
- B. The issue arises as to paternity of 'A', born to 'B' on 28th July, 2020 after the dissolution of her marriage with 'C' on 1st January, 2019 by a decree of divorce. Decide the controversy as regards legitimacy of 'A'.
- C. The accused 'S' was travelling in a bus on 9th December, 2015. The bus was stopped at about 1.15 p.m. for a "Traffic Check" by a Police party. It was noticed that the accused 'S' was concealing something under his clothes. Therefore, 'S' was asked to disembark from the bus. The Police Officers found a polythene envelope tied below his belly with the help of

a piece of cloth. The Polythene envelope was opened and was found to contain what looked like Charas. Steps were taken by the Police Officers to weigh and seize the item recovered as well as to seal the necessary samples for the purpose of examination. In the prosecution for the offence under Section 20 of the N.D.P.S. Act, 1985, 'S' takes the defence of non-compliance of Section 50 of the N.D.P.S. Act, 1985.

Will he succeed?

- D. 'A', a naturalized citizen of India, commits murder of 'B', who is a British national, at London. 'A' is found at Pune. Can 'A' be tried at Pune for 'B's murder?

Q.3. Answer any **two** of the following questions in detail : - **(20)**

- A. In the scheme of the I.P.C., 'Culpable homicide is genus and Murder is species'. Discuss.
- B. Discuss the changes introduced in the Code of Criminal Procedure, 1973 by the Criminal Law (Amendment) Act, 2013 in the prosecution related to sexual offences.
- C. Elucidate the significance of the changes brought about by the Amendment Act of 2018 in the Prevention of Corruption Act, 1988.
- D. Explain the nature and scope of bar under Section 18 and 18-A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with reference to governing precedents.

Q.4. Distinguish between any **two** of the following legal definitions/concepts :- **(20)**

- A. Common intention and Common object.
- B. Detention under Preventive Law and Punitive Law.
- C. Further investigation and Re-investigation.
- D. Appellate and Revisional powers of the Court of Session.

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Q.5. Write short notes on any two of the following :-

(10)

- A. Plea of alibi.
- B. Victim Compensation Scheme.
- C. "Autrefois Convict".
- D. Interplay between anticipatory bail and regular bail.
