

**HIGH COURT OF JUDICATURE AT BOMBAY
(APPELLATE SIDE)
MAIN WRITTEN EXAMINATION-2023
FOR THE POST OF DISTRICT JUDGE
PAPER II- CRIMINAL LAW
QUESTION PAPER**

Date : 5 th May, 2024	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.

Q.1 Write a judgment as a trial judge on the following facts after mentioning bare necessary facts and presuming that necessary and relevant documents have been produced. Do not mention any names other than those given in the question and if necessary to mention names of witnesses, refer them as PW-1.... or DW-1...., as the case may be, without mentioning any name. **Do not mention your name or any other name or put signature as author of the judgment.** **30**

Case of Prosecution:

The informant, lodged a report with the City Police Station on 30.05.2007 stating that on the said date at about 3:30 p.m. he was going from home to the shop of 'R' for purchasing some domestic items along with his son-'S' (deceased). When he reached the shop, he saw 'M' and the accused quarreling with each other. 'R' who is none other than the brother of 'M' intervened and asked the accused to leave the place. On this, accused left but after walking 15 to 20 steps from there, he turned around and with his country made pistol fired a shot which piercing the neck of the deceased hit the head of 'M'. Accused was caught on the spot. 'S' was taken to the district hospital where he died.

Defence:

Accused denied the allegations and stated that on the date of incident he was under influence of alcohol and was unable to understand anything.

Q.2 Write a detailed note of about 400 words on any one of the following :- **20**

- A Constitutional safeguards against 'self incrimination' and its extent.
- B Concept of 'shared household' as per the Protection of Women from Domestic Violence Act, 2005 and its metamorphosis in the light of judicial pronouncements.
- C Scope of Revisional jurisdiction of a Sessions Judge and the concept of 'interlocutory order'.
- D Rights of victims and witnesses as per the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Q.3 Answer any two of the following in detail **20**

- A Procedure for plea bargaining as per the Code of Criminal Procedure, 1973.
- B What is meant by 'aggravated sexual assault' as per the Protection of Children from Sexual Offences Act, 2012?
- C Confiscation and its procedure as per the Narcotic Drugs and Psychotropic Substances Act, 1985?
- D Sanction for prosecution of offences punishable under the Prevention of Corruption Act, 1988 and its necessity.

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

- A Payee and Holder in due course, as per the Negotiable Instruments Act, 1881.
- B Civil Contempt and Criminal Contempt as per the Contempt of

Court's Act, 1971.

- C Protection u/s 300 of the Code of Criminal Procedure and Art. 20(3) of the Constitution of India.
- D Voyeurism and Stalking as per the Indian Penal Code, 1860

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

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- A Organised Crime Syndicate
- B Interplay between Section 161 of Code of Criminal Procedure, 1973 and Section 145 of the Evidence Act, 1872
- C Substantive procedural changes in the Bhartiya Nagrik Suraksha Sanhita, 2023 as compared to the Code of Criminal Procedure, 1973.
- D Re-examination of a witness, necessity and limitations, if any.
