

**HIGH COURT OF JUDICATURE AT BOMBAY  
(APPELLATE SIDE)  
MAIN WRITTEN EXAMINATION-2022  
FOR THE POST OF DISTRICT JUDGE  
PAPER II- CRIMINAL LAW  
QUESTION PAPER**

Date : 17 <sup>th</sup> March 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**

**Evidence of PW-1:**

a. PW-1 lodged first information alleging that he, his brother D, mother M and neighbours PW-2 and PW-3 were sitting in the courtyard of his house during the evening hours chatting. 'A1' armed with a country made pistol, accompanied by 'A2' came there. A2 instigated A1 by loudly saying that these people were creating disturbances; so kill them. A1 fired on the him but he slipped below the cot. The bullet hit M and she died instantaneously. Both A1 and A2 fled away. About one and a half months prior to the incident, there was a scuffle between his son 'B' and 'A1' which matter was duly reported to the local police station.

A1 and A2 belong to the same party.

In the cross examination he admitted that there was political rivalry amongst them and cross criminal cases were pending against him and A1, wherein A2 is a witness for A1. He denied the suggestion that while he was handling a country made pistol it mis-fired and caused death of M.

**Evidence of PW-2**

b. In the cross examination he stated that though 'A2' had instigated 'A1', he did not get up from the cot and kept sitting. When shot was fired, 'D' and PW-1 stood up. He did not run to see the deceased after being shot.

**Evidence of PW-3**

c. In his cross-examination, he stated that he had seen 'A1' before 'A2' started challenging PW-1. He did not see what 'A1' was carrying and did not see any country made pistol in his hand. It would be wrong to say that he had seen country made pistol in the hands of 'A1'. Investigating Officer had not questioned him.

**Evidence of PW-4 (Investigating Officer)**

d. He had recorded the spot panchanama as well as the seizure panchanama and that 12 pellets were seized from the spot.

e. In the cross examination he admitted that though the blood-stained clothes and the soil samples were sent to the chemical examiner for chemical examination but the report was not received back. In re-examination, he stated that the pellets taken out by the doctor in the hospital were produced in the court.

**Evidence of PW-5 (Inquest Panch)**

f. In his cross-examination, he stated that he used to reside at a distance of 150 steps from the house of 'M'. He came to know about M's death on hearing the sound of firing but he

did not come out of his house due to fear. He did not tell the Investigating Officer about hearing the sound of firing because this did not happen.

**Evidence of PW-6 (Medical Officer)**

g. He stated that the entry wound of the bullet 4cm x 3cm was on the left side of the left breast. The edges were inside with blackening. It was bone-deep. Third and fourth ribs on the left side chest were broken. There was laceration on the left lung. Both the lungs had blood. The heart was also lacerated. Semi-digested rice and pulse were found in the stomach of the deceased. Cause of death of the deceased was due to shock and haemorrhage because of the above injuries. 55 small pellets were taken out of the body of the deceased during post-mortem.

**Statement u/s 313 of Cr.P.C.**

Both accused denied the accusations and pleaded false implication. 'A1' stated that there was indeed a scuffle between him and the son of PW-1 relating to the Pradhan election for which criminal cases were pending. The witnesses were testifying against him due to enmity.

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

- A Attachment of properties and powers of Designated Courts regarding attachment of properties under the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.
- B General principles to be followed in administration of the Juvenile Justice (Care and Protection of Children) Act, 2015.
- C 'Power to arrest' and 'necessity of arrest'.
- D Essentials of search and seizure under the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

- A What constitutes an offence of 'money laundering' under the Prevention of Money Laundering Act, 2002?
- B Grant of pre-arrest bail for offences punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the light of judicial pronouncements.
- C Concept of 'shared household' as per the Protection of Women from Domestic Violence Act, 2005
- D What are the cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant?

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

- A Irregularities that vitiate and do not vitiate criminal proceedings.
- B Common Intention and Common Object
- C Libel and Slander
- D Murder and Culpable homicide.

**Q.5 Write short notes on any two of the following.** **10**

- A Concept of 'undue advantage' as per the Prevention of Corruption Act, 1988.
- B Proof of Electronic Evidence.
- C Presumptions under the Protection of Children from Sexual Offences Act, 2012
- D Doctrine of transferred malice.

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