

**HIGH COURT OF JUDICATURE AT BOMBAY**  
**(APPELLATE SIDE)**  
**MAIN WRITTEN EXAMINATION – 2021**  
**FOR THE POST OF DISTRICT JUDGE**  
**PAPER II – CRIMINAL LAW**  
**QUESTION PAPER**

Date : 21<sup>st</sup> August, 2022

Total Marks : 100

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

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**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)

On 3<sup>rd</sup> October, 2006 at about 12 noon Neelkanth and his wife Hirabai were guarding crop in their field at Panhala, District Kolhapur. At that time, the accused No. 1 accompanied by accused No.2 and 3 were walking past the said field. Neelkanth's pet dog started barking at the accused. Enraged accused No. 1 gave a blow to the dog with an umbrella which he was carrying. Neelkanth remonstrated. Thereupon, accused No.1 started abusing Neelkanth and asked him to keep quiet lest he too would be beaten like the dog. An altercation ensued. Ramesh, who was working in an adjacent field, rushed to the spot. In the scuffle between Neelkanth and the accused, accused No. 2 and 3 gave fist and kick blows to Neelkanth. Accused No. 1 picked up a piece of old metal pipe lying nearby and gave a blow on the head of Neelkanth. On account of the said blow, Neelkanth fell on the ground. All the accused ran away from the spot.

Ramesh immediately called Ajit. Neelkanth was taken to C.P.R. Hospital, Kolhapur on a motorcycle by Ramesh and Ajit. On the way, Neelkanth disclosed to Ajit the circumstances in which he sustained injuries. Upon admission, the duty police official attached to C.P.R. Police Post recorded the statement of Neelkanth, in the presence of Medical Officer, which was treated as F.I.R. Neelkanth succumbed to the injuries after five days.

The accused were arrested. The disclosure statement made by accused No. 1 led to recovery of old metal pipe. After usual investigation, all the accused were sent for trial.

The Prosecution examined all the material witnesses including eye witnesses, Medical Officers and I.O. The autopsy surgeon opined that the injuries were sufficient in the ordinary course of nature to cause death.

The defence of the accused was of denial with an alternative plea of private defence.

Write a Judgment.

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

- A. 'A', with the intention of causing the death of a child of tender years, exposes it in a desert place. The death of the child does not ensue. What offence if any, 'A' has committed ?
- B. 'Z' is riding in a palanquin. 'A', intending to rob 'Z', seizes the pole and stops the palanquin and causes cessation of motion to 'Z' and he has done this by his own bodily power. What offence, if any, 'A' has committed ?
- C. The question is, whether 'A' assaulted 'B'. 'C' deposes that he heard 'A' to say to 'D' - "B wrote a letter accusing me of theft, and I will be revenged on him". Whether the statement is relevant ?

- D. 'A' is accused of murder of 'B' his wife by beating her. 'C' the next door neighbour claimed to have heard 'A' shouting that he would get rid of 'B' and 'B' imploring 'A' to spare her. 'C' after hearing the cries of 'B' also claimed to have raised an alarm. Which of these utterances is/are relevant?

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

- A. Discuss the law with respect to abetment of suicide.
- B. State exceptions to "Bail is the rule, Jail is an exception" with supporting case laws.
- C. Elucidate the law relating to "Discovery of fact".
- D. Prior approval for investigation and previous sanction for prosecution under the Prevention of Corruption Act, 1988.

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

- A. Criminal Intimidation and Extortion.
- B. May Presume, Shall Presume and Conclusive Proof.
- C. Appellate and Revisional powers of Court of Session.
- D. Libel and Slander.

**Q.5** Write short notes on any two of the following :- (10)

- A. Innuendo.

- B.** Necessity of prior notice before arrest and consequences of it's non-observance.
- C.** Evidence of witness unable to communicate verbally.
- D.** Special procedure for trial of offences under POCSO Act, 2012.

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