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3 SEM LLB CPC 2 (N)

2015

(December)

LAW

Paper : 3.2

(Criminal Procedure Code)

(New Course)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answers from the following questions : 1×10=10
 - (a) The order under section 144 Cr.P.C. shall remain in force not for more than—
 - (i) Fifteen days
 - (ii) Twenty days

- (iii) One month
 - (iv) Two months
- (b) A Magistrate has power to deal with urgent cases of apprehended danger or nuisance under—
- (i) Sec. 133
 - (ii) Sec. 144
 - (iii) Sec. 145
 - (iv) Sec. 107
- (c) In a bailable offence, the bail is granted as a matter of right —
- (i) by the police officer
 - (ii) by the court
 - (iii) both (i) & (ii)
 - (iv) either (i) or (ii)
- (d) A proclamation requiring a person to appear must be published giving
- (i) not less than 30 days time to the person concerned

- (ii) not less than 10 days time to the person concerned
 - (iii) not less than 20 days time to the person concerned
 - (iv) not less than 15 days time to the person concerned.
- (e) The personal attendance of the accused can be dispensed with —
- (i) under Sec. 207 of Cr.P.C.
 - (ii) under Sec. 206 of Cr.P.C.
 - (iii) under Sec. 205 of Cr.P.C.
 - (iv) under Sec. 256 of Cr.P.C.
- (f) Under Section 217 of Cr.P.C., on addition or alteration of charge —
- (i) the prosecution has a right to re-call the witnesses already examined
 - (ii) the accused has a right to re-call the witnesses already examined.
 - (iii) the prosecution has a right to call any further witness
 - (iv) all of the above.

- (g) Who among the following can move the court for plea bargaining?
- (i) the Police Officer
 - (ii) the complainant
 - (iii) only the accused
 - (iv) both the accused & complainant.
- (h) The Magistrate has the power under section 259 of Cr.P.C. to convert a summon trial case into a warrant trial
- (i) relating to any offence irrespective of the punishment prescribed.
 - (ii) relating to an offence punishable for a term exceeding six months
 - (iii) relating to an offence punishable for a term exceeding one year
 - (iv) relating to an offence punishable for a term exceeding two years
- (i) Under which section of Cr.P.C. it is provided that the plea of guilt is regarded as a waiver of the right to appeal
- (i) Sec. 175

(ii) Sec. 172

(iii) Sec. 176

(iv) Sec. 173

(j) Execution of sentence of death passed by High Court deals with

(i) Sec. 413

(ii) Sec. 415

(iii) Sec. 406

(iv) Sec. 414

2. Answer the following:

2×5=10

(a) Importance of 'Criminal Procedure'.

(b) Evidentiary value of F.I.R

(c) Joinder of charge

(d) Summary trial

(e) The main objects of appeal under Cr.P.C.

3. Discuss the various classes and powers of criminal courts under Cr.P.C. 12

Or

Discuss in detail the powers of Police Officers under the Code of Criminal Procedure. 12

4. (a) What are the ingredients of an F.I.R? Is it necessary that F.I.R. should contain all details of offences committed?
- (b) What is the effect of delay in filing a F.I.R. ?
- (c) Can a person being examined by a Police Officer investigating a case refuse to answer questions relating to the case put to him by such an officer?

4+4+4=12

Or

- (a) When a wife is not entitled to maintenance from her husband?

(b) How does Cr.P.C. provide for maintenance of children & aged parents? 5+7=12

5. (a) What is charge?

(b) What should be the contents of the charge?

(c) Under what circumstances a charge can be altered?

(d) What is the effect of altering charge on the trial? 3+3+3+3=12

Or

Discuss the commencement of proceedings before the Magistrate under Chapter XVI of Cr.P.C. 12

6. Give the procedure for trial of warrant cases by Magistrates in respect of cases instituted otherwise upon a police report. 12

Or

Discuss in brief the commissions for examination of witnesses. 12

7. Discuss in detail the power of High Court to transfer of cases & Appeals. 12

Or

Discuss the power of High Court in exercise of its revisional jurisdiction, enhancing the sentence passed by a lower court in a criminal case on the petition of a private party, in absence of an appeal by the State.

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