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**3 SEM LLB CPC 2 (N)**

**2016**

**(December)**

**LAW**

**Paper : 3.2**

**(Criminal Procedure Code)**

**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) When a complaint is presented to a Magistrate and the Magistrate proceeds to examine the complaint and the witnesses —**
- (i) the Magistrate is conducting investigation**
  - (ii) the Magistrate is conducting an inquiry**
  - (iii) Magistrate is conducting a trial**
  - (iv) both (ii) and (iii).**

- (b) Joinder of charges is permissible —**
- (i) under Section 219 of Cr. P.C.**
  - (ii) under Section 200 of Cr. P.C.**
  - (iii) under Section 221 of Cr. P.C.**
  - (iv) All of the above.**
- (c) 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.**
- (d) Statement recorded during investigation under Section 161 of Cr. P.C. can be used during trial —**
- (i) for corroborating the witness**
  - (ii) for contradicting the witness**
  - (iii) both (i) and (ii)**
  - (iv) neither (i) nor (ii).**

(e) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding ——— years.

(i) one

(ii) two

(iii) three

(iv) four

(f) Under which section of Cr. P.C. relates to offence committed on journey ?

(i) Section 180

(ii) Section 182

(iii) Section 183

(iv) Section 185

(g) Withdrawal of a complaint under Section 257 of Cr. P.C. result in —

(i) acquittal of the accused in cases where charge has already been framed

(ii) discharge of the accused in cases where the charge has not yet been framed

(iii) acquittal of the accused irrespective of whether the charge has been framed or not

(iv) either (i) or (ii).

**(h) Proceedings under Section 258 of Cr. P.C. can be stopped —**

**(i) in a summons case instituted upon a complaint**

**(ii) in a summons case instituted otherwise than upon a complaint**

**(iii) in a warrant case instituted upon a complaint**

**(iv) in a warrant case instituted otherwise than upon a complaint.**

**(i) The power of revision of Sessions Judge is provided under —**

**(i) Section 400**

**(ii) Section 401**

**(iii) Section 399**

**(iv) All of the above.**

**(j) Assertion (A) : The power to commute sentence is provided under Section 433.**

**Reason (R) : The power to commute sentence is vested in the Government.**

**(i) Both (A) and (R) are correct and (R) is correct explanation to (A).**

(ii) Both (A) and (R) are correct, but (R) is not correct explanation to (A).

(iii) (A) is correct (R) is wrong.

(iv) (A) is wrong (R) is correct.

2. Answer the following questions :  $2 \times 5 = 10$

(a) Mention any two ways, when the members of public are required to assist a Magistrate or police officer.

(b) Who is proclaimed offender ?

(c) Define public prosecutor.

(d) What is plea bargaining ?

(e) Write any two cases where a convicted person is not allowed to appeal.

3. Discuss the jurisdiction of the Criminal Courts in inquiries and trials under Cr. P.C. 12

Or

Discuss the power of Magistrate to issue order in urgent case of nuisance or apprehended danger. Refer to decided cases, if any, on the subject. 12

4. Discuss in detail the procedure of warrant cases by Magistrates in cases instituted on a police report. 12

Or

Explain the procedure of summons cases by Magistrate.

5. Analyse the commencement of proceedings before Magistrate as laid down in Cr. P.C. 12

Or

Discuss the procedure relating to joinder of charges under Cr. P.C. 12

6. (a) What is appeal ?
- (b) Which are the courts empowered to hear appeal petition and under what grounds ?
- (c) Discuss the instances when an appeal cannot be made against conviction ? 2+6+4=12

Or

Describe the procedure for dealing with an appeal and the power of an appellate court.

12

7. Explain the procedure to be observed by a court of session in warrant cases coming before it for trial. 12

Or

- (a) Elaborate the procedure to be followed by a Magistrate in a summon case.
- (b) Explain how far do they satisfy the essential requirement of a fair trial. 6+6=12