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PRESIDENCY UNIVERSITY
BENGALURU

SCHOOL OF LAW

Winter Semester: 2021 - 22

TEST 1

Date: 26.04.2022

Course Code: LAW 111

Time: 10:00AM- 11:00 AM

Course Name: CODE OF CRIMINAL PROCEDURE

Max Marks: 30

Program & Sem: B.A./B.COM/ BBA . LLB & IV

Weightage: 15 %

Instructions:

(i) Read the all questions carefully and answer accordingly.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries 1 marks.

(10Qx 1M= 1M)

Q.NO.1 The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

Under section of CRPC it is provided

(C.O.No.1) [Knowledge level]

a.24

b.24 (2)

c. 25

d. 25A

Q.NO.2 The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

Which sub-clause of section under CRPC provides the above mandate?

(C.O.No.1) [Knowledge level]

a.160(2)

b.164(2)

c. 165(1)

d. 165 (1A)

Q.NO.3 A Sessions Judge or Additional Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

Which section of CRPC provides limitation on the authority of A Sessions Judge or Additional Sessions Judge to penalize? (C.O.No.1) [Knowledge level]

- a.26
- b.27
- c. 28
- d. 29

Q.NO.4 Popularly known as the Criminal Procedure Code (CrPC), it is the primary legislation regarding the procedural aspects of criminal law. It also contains certain provisions that are not strictly procedural in nature which include provisions pertaining to the prevention of nuisance (Section 133) and Maintenance of Wife and Children (Sections 125-128). The Code contains 484 sections spread along 37 chapters, along with 2 schedules and 56 forms. It came into force on_____? (C.O.No.1) [Knowledge level]

- a. 10 October 1977
- b. 19 November 1973
- c. 1 April 1974
- d. 1 January 1972.

Q.NO.5 Warrant case are usually the cognizable offences which are serious or grievous in nature and in which the police arrests without warrant. It includes ___? (C.O.No.1) [Knowledge level]

- a. an offence punishable with imprisonment for life
- b. an offence punishable with death
- c. an offence imprisonment for a term exceeding two years
- d. All of the Above

(1M)

Q.NO.6 CrPC, attempts to provide a remedy for the non-recording of an FIR by a police officer. As per this, any person whose FIR has been refused to be recorded by a police officer can approach the Superintendent of the Police by a written application through post and get his case investigated.

Which sub clause in the provided sections of CrPC provides this remedy? (C.O.No.1) [Knowledge level]

- a.154(2)
- b.154(3)
- c. 28(1)
- d. None of the above

(1M)

Q.NO.7 The propositions are:

- I. Delay in despatch of the FIR is not a circumstance which can throw out the prosecution case in its entirety.
 - II. Delay in despatch of the FIR is a circumstance which can throw out the prosecution case in its entirety.
 - III. The extra-ordinary delay in sending the FIR is a circumstance which provides a legitimate basis for suspecting that the FIR was recorded much later than the stated date and hour, affording sufficient time to the prosecution to introduce improvements.
- (C.O.No.1) [Knowledge level]

Which of the following is correct in respect of the aforesaid proposition:

- (a) I is true, II & III are false
- (b) I & III are true, II is false
- (c) II & III are true, I is false
- (d) III is true, I & II are false.

(1M)

Q.NO.8 A refusal to answer questions put to a witness under section 161 of Cr PC is an offence

..... :

(C.O.No.1) [Knowledge level]

- a. section 176, I.P.C.
- b. section 179, I.P.C.
- c. section 187, I.P.C.
- d. neither (a) nor (b) nor (c).

(1M)

Q.NO.9 Every investigation under the Chapter XII of CrPC shall be completed without unnecessary delay.

The investigation in relation to an offence under

sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of the Indian Penal Code shall be completed within two months from the date on which the information was recorded by the officer in charge of the police station.

Such report needs to be submitted as soon as it is completed, provided under section Of CrPC.

(C.O.No.1) [Knowledge level]

- a.171
- b.173
- c. 174
- d. None of the above

(1M)

Q.NO.10 When any person who, in the presence of a police officer, has committed or has been accused of committing a non- cognizable offence refuse, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

Under which section of CrPC this measure can be taken?

(C.O.No.1) [Knowledge level]

a.41

b.42

c. 43

d. 44

(1M)

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries 5 marks.

(2Qx5M=10M)

Q.NO.11 Sec 57. Person arrested not to be detained more than twenty- four hours. No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty- four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate' s Court. Comment [5M] (C.O.No.2) [Comprehension]

Q.NO.12 Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read Over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

On the basis of the above provision discuss its evidentiary value .

(C.O.No.1) [Comprehension]

Part C [Problem Solving Questions]

Answer all the Questions. Each question carries 10 marks.

(1Qx10M=10M)

Q.NO.13 Sentences which High Courts and Sessions Judges may pass — (1) A High Court may pass any sentence authorised by law. (2) A Sessions Judge or Additional Sessions Judge may pass any sentence authorised by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

In the light of the above statements with the application of sections under CrPC elucidate the classes and power of criminal courts in the territory of India. [10M] (C.O.No. 1) [Application]



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PRESIDENCY UNIVERSITY
BENGALURU

SCHOOL OF LAW

Winter Semester: 2021 - 22

Course Code: LAW 111

Course Name: CODE OF CRIMINAL PROCEDURE

Program & Sem: B.A./B.COM/ BBA . LLB & IV Sem

TEST 1

Date: 26th April 2022

Time: 10:00 AM to 11:00 AM

Max Marks: 30

Weightage: 15 %

Instructions:

(ii) Read the all questions carefully and answer accordingly.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries ONE marks.

(10Qx 1M= 10M)

Q.NO.1 In relation to FIR lodged under section 154 of Cr.Pc. Which of the following statements is not correct?

- A. It is not substantive evidence.
- B. It merely marks the beginning of the investigation.
- C. It cannot be used as a previous statement for any purpose.
- D. The informant need not be an eye witness.

(C.O.No.1) [Knowledge]

Q.NO.2. If the investigation is not completed within 90 days or 60 days, and the accused is in custody, on the expiry of said period the accused is entitled to be-

- A. Discharged
- B. Released on bail or making an application for release on bail.
- C. Acquitted
- D. Released on bail without making an application for release on bail. (C.O.No.1) [Knowledge]

Q.NO.3. A confessional statement under section 164 of Cr PC can be recorded

- A. During the course of investigation only and not afterwards
- B. During the course of investigation or at any time afterwards before the commencement of Inquiry or trial.
- C. During Investigation as well as during inquiry but before the commencement of trial.
- D. During the investigation, inquiry or Trial. (C.O.No.1) [Knowledge]

Q.NO.4. Non Cognizable offence as defined under section 2 (l) means a case in which a police officer has no authority to arrest without warrant , so, in non cognizable cases, the investigation starts-

- A. Immediately with the lodging of FIR.
- B. After obtaining orders from concerned magistrate.

C. The matter is referred to the concerned Superintendent of Police.

D. In the same way as provided in Section 154 Cr.P.C. (C.O.No.1) [Knowledge]

Q.NO.5. In a case triable by magistrate as a summons case, the investigation cannot be continued under section 167 (5) of Cr Pc (C.O.No.1) [Knowledge]

A. Beyond the period of 6 months from the date of arrest of the accused.

B. Beyond a period of 6 months from the date of commission of the offence.

C. Beyond a period of maximum term of imprisonment prescribed for the offence from the date of arrest of the accused.

D. Beyond a period of maximum term of imprisonment prescribed for the offence from the date of commission of the offence.

Q.NO.6. The investigating police officer has power to summon the attendance of a person acquainted with the facts and circumstances of the case under: (C.O.No.1) [Knowledge]

A. Section 158 Cr.P.C

B. Section 159 Cr.P.C

C. Section 160 Cr.P.C

D. Section 161 Cr.P.C

Q.NO.7. Upon the report being forwarded under section 173(2) of Cr PC to the magistrate dropping of proceedings, before deciding not to take cognizance of the Magistrate

A. Must give notice to and provide the informant an opportunity of being heard.

B. Need not give notice to and provide the informant an opportunity of being heard.

C. May or may not give notice to and provide the informant an opportunity of being heard, depending on the facts and circumstances.

D. Both (b) and (c) (C.O.No.1) [Knowledge]

Q.NO.8. Section 10 sub clause (1) provides that All Assistant Session Judge shall be subordinate to the session judge in whose court they exercise jurisdiction. The session may from time to time make rules consistent with this code, as to the distribution of business among Assistant Session Judge. The Assistant Session Judge may pass any sentence authorized by law except which of the following. (C.O.No.1) [Knowledge]

A. Death Sentence and Life Imprisonment

B. Death sentence or Imprisonment of life or imprisonment for a term exceeding 7 years.

C. Imprisonment of life or imprisonment for a term exceeding 7 years.

D. Death Sentence or Imprisonment of life or imprisonment for a term exceeding 10 years.

Q.NO.9. The magistrate has convicted 'A' for the offence of having cheated a number of investors in the sum of Rs. 10 crores. The magistrate is of opinion that gravity of the offence a sentence to undergo imprisonment in excess of 3 years to be imposed. The sentence is excess of 3 years can be imposed by:

A. The Magistrate after putting the accused to notice.

B. By the court of sessions to whom the magistrate must refer the matter to.

C. The court of ACMM/CMM to whom the matter is to be referred to.

D. By the court of sessions after notice to the accused.

Q.NO.10. Consider the following statements:

(C.O.No.1) [Knowledge]

Bailable offence is defined under section 2(a) of the code, it means offence where bail can be granted to the accused as a matter of right, it also means and includes-

1. An offence which is enumerated as bailable in the 1st Schedule.
2. An offence which is made bailable by any other law for the time being in force.
3. All other offences as stated in criminal law.

Which of the statements given above are correct?

- A. 1,2,3
- B. 2,3
- C. 1,2
- D. 1,3 only

(C.O.No.1) [Knowledge]

Part B [Thought Provoking Questions]

Answer both the Questions. Each question carries FIVE marks.

(2Qx5M=10M)

Q.NO.11. 'A' commits an offence in Chennai but makes a confession before the Judicial Magistrate 'Mysore' who has no power to try the case. Is the confession valid, if it is recorded by the Magistrate after following the procedure laid down in section 164, CrPc? (C.O.No.4) [Application]

Q.NO.12. A, a sub inspector of the police in the course of holding an investigation in a murder case examines some of the prosecution witnesses and reduces their statements in writing and obtains their signatures on such statements: (C.O.No.3) [Application]

- a. Is the procedure in the above case correct?
- b. Can the prosecution make use of such statement in the trial of the accused.

Part C [Problem Solving Questions]

Answer the Question. Question carries TEN marks.

(1Qx10M=10M)

Q.NO. 13. What is the evidentiary value of FIR and what is the effect of delay in lodging such report? Do you agree with the view that delay gives rise to suspicion which puts the court on guard to look for the possible motive and explanation of delay and consider its effect on worthiness of the prosecution version? (C.O. No. 05) [Application]



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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

TEST 2

Winter Semester: 2021 - 22

Course Code: LAW 111

Course Name: Code of Criminal Procedure

Program & Sem: BB.A LL.B /B.A.LL.B / B.COM LL.B & IV Sem

Date: 1st June 2022

Time: 10:00 AM to 11:00 AM

Max Marks: 30

Weightage: 15%

Instructions:

(iii) Read the all questions carefully and answer accordingly.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries TWO marks.

(5Qx 2M= 10M)

1. Who is authorized under Code of Criminal Procedure, 1973 to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph Authority. (C.O.No.1) [Knowledge level]

- A. District Magistrate
- B. Chief Judicial Magistrate
- C. Both A and B
- D. None of the Above.

2. Which one of the following Magistrate is authorized under section 110 Cr. P.C. to require security for good behavior from Habitual offenders within his local jurisdiction? (C.O.No.2) [Knowledge level]

- A. Judicial Magistrate First Class
- B. Chief Judicial Magistrate
- C. District Magistrate
- D. Executive Magistrate.

3. How are summons served? (C.O.No.1)[Knowledge level]

- A. By a Police officer
- B. By an officer of the Court.
- C. By any authorized public servant.
- D. All of the above.

4. Under Code of Criminal Procedure substituted service of summons can be made. (C.O.No.2) [Knowledge level]

- A. By affixing summons on the house.
- B. By registered post.
- C. By courier
- D. None of it.

5. Which of the following is correct statement of law as per section 82 and 83 of the Code of Criminal Procedure?

(C.O.No.1) [Knowledge level]

- A. The court may order attachment of property belonging to an accused before declaring him a proclaimed person under Section 82.
- B. The court may order attachment of property of a person after publication of a written proclamation under section 82 requiring him to appear before it.
- C. The court may order attachment of property of a person regardless of whether or not he has been declared proclaimed offender.
- D. None of the above.

Part B [Thought Provoking Questions]

Answer both the Questions. Each question carries FIVE marks.

(2Qx5M=10M)

6. What is Plea Bargaining? Whether the provisions of Plea Bargaining apply in respect of all types of offences? Can the Victim of crime make any objection against the application of Plea Bargaining filed by accused? (C.O.No.3) [Comprehension]

7. State the Habitual offenders against whom an order for security can be passed.

(C.O.No.3) [Comprehension]

Part C [Problem Solving Questions]

Answer the Question. Question carries TEN marks.

(1Qx10M=10M)

8. A. Who are the person who can claim maintenance under Section 125, Cr Pc? What are the factors which are to kept in view while granting maintenance? Discuss

B. A wife, who is unable to maintain herself, files an application claiming maintenance against her husband under section 125 of the Code of Criminal Procedure, 1973. She also requests the court to order for interim maintenance pending final disposal of the matter. The non- applicant (Husband) objects the demand of interim maintenance on the ground that there is no such provision in the said section of the said code. Decide. (C.O. No. 4 [Application])



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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

TEST 2

Winter Semester: 2021 - 22

Course Code: LAW 111

Course Name: Criminal Procedure Code

Program & Sem: BBA LL.B.(H)/B.Com LL.B.(H)BA LL.B.(H) & VI Sem

Date: 1st June 2022

Time: 10.00 A.M to 11.00 A.M.

Max Marks: 30

Weightage: 15%

Instructions:

Read the all questions carefully before answering.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries One marks.

(1Qx 10M= 10M)

- 1.The protection under Section 162 of the Code of Criminal Procedure, 1973 is.....
(C.O.No.2) [Knowledge]
- A. Available in Civil Proceedings
B. Available for proceedings under Article 32 and/or 226 of the Constitution
C. Not Available in rape cases
D. Only available in Criminal enquiry or trial in respect of the offence under investigation.
2. Every summons issued by a court under the Code of Criminal Procedure, 1973 shall be in.....
(C.O.No.1) [Knowledge]
- A:-Writing
B:-Duplicate
C:-Signed by the Presiding officer of such court or by such other as directed by High court
D:-All the above
3. Where a case relates to two or more offences of which at least one is cognizable and the rest are non-cognizable, the whole case shall be deemed to be..... (C.O.No.1) [Knowledge]
- A:-Cognizable
B:-Non-Cognizable
C:-A cognizable case but requires sanction of the Magistrate for investigation into the non-cognizable part under section 155(2) of the Code of Criminal procedure, 1973
D:-None of the above
4. Under the provisions of Code of Criminal Procedure, 1973, confessions-
(C.O.No.2) [Knowledge]
- A. Can only be made to the authorized persons

- B. Only the Magistrate enjoys the power of recording confessions
- C. Made to the Police Officer are valid
- D. Made by the accuse while in police custody to a police officer is valid

5. A Metropolitan Magistrate can award sentence of imprisonment -in default of payment of fine..... (C.O.No.1) [Knowledge]

- A. equal to the term of imprisonment which he is competent to inflict as substantive punishment
- B. not exceeding half of the term of imprisonment which he is competent to inflict as substantive sentence
- C. not exceeding one-third of the term of imprisonment which he is competent to inflict as substantive sentence
- D. not exceeding one-fourth of the term of imprisonment which he is competent to inflict as substantive sentence.

.6. Under Section 167 of the Code of Criminal Procedure, 1973 for offence punishable with death, imprisonment for life or imprisonment for a period not less than 10 years, the detention during investigation, can be authorized for a total period of: (C.O.No.2) [Knowledge]

- A. 15 days
- B. 45 days
- C. 60 days
- D. 90 days

7. Which section of the Code of Criminal Procedure, 1973 deals with medical examination of the victim of rape? (C.O.No.2) [Knowledge]

- A. Section 164
- B. Section 164 A
- C. Section 165
- D. Section 165 A

8. Investigation includes all proceedings under the Code of Criminal procedure, 1973.....

(C.O.No.1) [Knowledge]

- A:-To arrest accused
- B:-To punish accused
- C:-To collect evidence against accused
- D:-None of the above

9. Which of the following statements is incorrect with reference to Section 436 the Code of Criminal Procedure, 1973? (C.O.No.2) [Knowledge]

- A:-The accused shall be released on bail by the police or the magistrate
- B:-The court may refuse bail to an accused person even if the offence is bailable, where the person granted bail fails to comply with the conditions of bail bond
- C:-Where a person is unable to give bail within a month of the date of his arrest, it shall be a sufficient ground for the officer or the court to presume that he is an indigent for the purpose of this section
- D:-None of the above

10. No person shall be released on bail if there appears reasonable ground for believing that he has been guilty of an offence punishable with death or imprisonment of life except.....

(C.O.No.2) [Knowledge]

A:-A person under the age of sixteen years

B:-A woman

C:-A sick or infirm person

D:-All of the above

Part B [Thought Provoking Questions]

Answer both the Questions. Each question carries Five marks.

(2Qx5M=10M)

11. A telephonic message was received by an officer-in-charge of a police station reporting the commission of dacoity and requesting for help. The police officer immediately left the police station and rushed to the spot where he recorded detailed statement of the complainant about the occurrence. Will the statement be treated as First Information Report? Decide with the help of relevant provisions (CO.NO.2) [Application]

12. Explain the powers of High Court and Court of Session to grant Bail.

(CO.NO.2) [Comprehension]

Part C [Problem Solving Questions]

Answer both the Questions. Each question carries Five marks.

(2Qx5M=10M)

13. M is travelling from Mumbai to Bengaluru by train. During the night, his suitcase is stolen. The theft is discovered at Belagavi. B is caught with the stolen suitcase at Hubballi. Where can 'B' be tried for theft? Decide with the help of relevant provisions. (CO. NO.2) [Application]

14. A' commits an offence in 'Agra' but makes a confession before the Judicial Magistrate at 'Lucknow', who has no power to try case, but he did not sign the confessional statement recorded by the magistrate. Is confession valid? Decide with the help of relevant provisions.

(CO.NO.2) [Application]



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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM EXAMINATION

Winter Semester: 2021 - 22

Course Code: LAW111

Course Name: Criminal Procedure Code

Program & Sem: VI Sem & BBA LL.B. (Hons.)/B. Com LL.B.
(Hons)/ BA LL.B.(Hons)

Date: 29th June 2022

Time: 1:00 PM to 4:00 PM

Max Marks: 100

Weightage:50%

Instructions:

Read the all questions carefully before answering

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries 2 marks.

(15Qx 2M= 30M)

1. Attachment of the property of the person absconding.....

(C.O.No.2) [Knowledge]

(a) Can only be issued after publication of the proclamation under Section 82 of the Code of Criminal Procedure, 1973

(b) Can be issued before publication of – the proclamation under Section 82 of the Code of Criminal Procedure, 1973

(c) Can be issued simultaneously with the issue of proclamation under Section 82 of the Code of Criminal Procedure, 1973

(d) All the above

2. Leave to investigate a non-cognizable offence can be granted by a..... (C.O.No.2) [Knowledge]

(a) Magistrate in any part of India

(b) Magistrate in any part of the State

(c) Magistrate having jurisdiction to try the case

(d) Either (a) or (b) or (c).

3. Which section of the Code of Criminal Procedure, 1973 deals with the jurisdiction of the criminal courts in inquiries and trials? (C.O.No.2) [Knowledge]

(a) Section 177 to Section 189

(b) Section 190 to Section 199

(c) Section 200 to Section 210

(d) Section 211 to Section 224

4. Which of the following statements is incorrect? (C.O.No.3) [Knowledge]

(a) The term 'charge' is defined under Section 2(b).

(b) At the time of framing of charges, the court should not undertake a detailed analysis and evaluation of material.

(c) An accused person is entitled to know with certainty and accuracy the exact nature of the charge brought against him.

(d) A charge is framed by the police.

5) Plea bargaining has been introduced into the Code of Criminal Procedure, 1973 through....

(C.O.No.2) [Knowledge]

(a) Criminal law (Amendment) Act, 2005

(b) Criminal law (Amendment) Act, 2008

(c) Criminal law (Amendment) Act, 2013

(d) Criminal law (Amendment) Act, 2018

6) Which of the following statement is incorrect with reference to Section 133 of the Code of Criminal Procedure, 1973? (C.O.No.2) [Knowledge]

(a) It cannot be questioned by a civil suit.

(b) The magistrate's jurisdiction is ousted if a bonafide claim of title is raised

(c) When proceedings are taken under this section, no order can be passed under Section 144 of the Code of Criminal Procedure, 1973

(d) The order can be made even if danger or inconvenience is about to be caused.

7) Which of the following statements is incorrect with reference to Section 217 of the Code of Criminal Procedure, 1973? (C.O.No.3) [Knowledge]

(a) The accused has a right to recall the prosecution witness after the alteration of the charge

(b) The prosecution has a right to call any further witness after the alteration of the charge

(c) The prosecution has a right to recall the witnesses already examined after the alteration of the charge

(d) None of these

8. Under Section 73 of the Code of Criminal Procedure, 1973, a warrant may be addressed to any person within the local jurisdiction for the arrest of..... (C.O.No.1) [Knowledge]

(a) Any escaped convict

(b) Proclaimed offender

(c) Any person accused non-bailable offence who is avoiding arrest

(d) All of the above

9. Every Police officer while arresting the person has to..... (C.O.No.2) [Knowledge]

A. Bear clear and correct identification of his name

B. Prepare a memorandum of arrest

C. Inform the arrested person that he has the right to inform his family member or any other person about his arrest if the memorandum is not attested by a member of his family

Choose the correct answer from the codes given below:

(a) A and B only

(b) B and C only

(c) A and C only

(d) All of these.

10. Which of the following requirements need NOT be followed under section 200 of the Code of Criminal Procedure, 1973? (C.O.No.3) [Knowledge]

(a) The complainant must be examined

(b) Examination of the complainant must be under oath

(c) The accused must be given an opportunity to be heard

(d) The examination of the complainant must be reduced to writing.

11. Define: (Each 2 marks) (C.O.No.1) [Comprehension]

a) Victim

b) Complaint

c) Investigation

d) Cognizable Offence

e) Warrant Case

Part B [Thought Provoking Questions]

Answer all the questions. Each question carries 7 marks.

(5Qx7M=35M)

12. Discuss the Summary Trial by a Magistrate under the Code of Criminal Procedure, 1973.

(C.O.No.2) [Comprehension]

13. Explain the term "Child in Need of Care and Protection" under Juvenile Justice Act, 2015.

(C.O.No.5) [Comprehension]

14. Explain the Variation of conditions of Probation under the Probation of Offenders Act, 1958.

15. Raman moves an application for anticipatory bail before a Judicial Magistrate of First Class of the area, for the Bailable offence. Explain the meaning of Anticipatory Bail and decide whether A can get anticipatory bail. Support your answer with relevant provisions and case laws. Also, give the reason for your answer.
(C.O.No.2) [Application]

16. A first information report is lodged against Kurok for committing one cognizable and three non-cognizable offences. Can the police investigate with respect to all the four offences without an order from the Magistrate? Decide with the help of relevant provisions and case laws. Also, give the reason for your answer.
(C.O.No.2) [Application]

Part C [Problem Solving Questions]

Answer all the questions. Each question carries 7 marks.

(5Qx7M=35M)

17. Shyam, a police officer comes to know from reliable sources that four persons are staying in a house and planning to kidnap and murder Rajan. They are equipped with automatic weapons. The police officer apprehends that they will commit the crime at any moment. He directly goes to that house and, without any warrant or order from the Metropolitan Magistrate, arrests all the four persons along with weapons in their possession. Is the arrest of all four persons valid? Decide with the help of relevant provisions and case laws. Also, give the reason for your answer.
(C.O.No.2) [Application]

18. A tenant had abandoned the disputed house before his death but possession of the said house was not handed over to the landlord. The heirs of the deceased tenant had not paid rent but they had locked the house. The Sub-Divisional Magistrate issued an order under Section 144 of the Code of Criminal Procedure, 1973 to unlock the house. The heirs of the deceased tenant resist the order of the Sub-Divisional Magistrate. Will they succeed? What will be your answer, if the said house is in a dilapidated condition and is likely to endanger human life, health or safety? Decide with the help of relevant provisions and case laws. Give reasons in support of your answer
(C.O.No.1) [Application]

19. A, a minor child of 14 years of age, has got a prize of rupees one crore in a Television show namely, 'Who Wants to Be Millionaire'. Decide with the help of relevant provisions and case laws whether the minor can claim maintenance from his/her father if the father neglects or refuses to maintain him/her.
(C.O.No.4)
[Application]

20. An Executive Magistrate receives information that Chanchal is likely to do a wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity. Whether he can require Chanchal to show cause why he should not be ordered to execute a bond for keeping the peace for a period of 3 years. Decide with the help of relevant provisions and case laws. Give reasons in support of your answer.
(C.O.No.2) [Application]

21. 'X' is charged with the murder of 'Y'. The charge sheet is filed in the court of the Chief Judicial Magistrate, who passed the order of sentence of life imprisonment. 'X' engages you as an Advocate. What will be your advice in the matter?
(C.O.No.2) [Application]



**PRESIDENCY UNIVERSITY
BENGALURU
SCHOOL OF LAW**

END TERM

Winter Semester: 2021 - 22

Course Code: LAW 111

Course Name: Code of Criminal Procedure

Program & Sem: BBA /B.A./ B.COM LL.B & IV Sem

Date: 29th June 2022

Time: 01:00 PM to 04:00 PM

Max Marks: 100

Weightage: 50%

Instructions:

(iv) Read all the questions carefully, before answering.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries TWO marks.

(15Qx 2M= 30M)

Q.NO.1 The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

Under section of CRPC it is provided
level]

(C.O.No.1) [Knowledge

- a.24
- b.24 (2)
- c. 25
- d. 25A

Q.NO.2 The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

Which sub-clause of section under CRPC provides the above mandate?
level]

(C.O.No.2) [Knowledge

- a.160(2)
- b.164(2)
- c. 165(1)
- d. 165 (1A)

Q.NO.3 A Sessions Judge or Additional Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

Which section of CRPC provides limitation on the authority of A Sessions Judge or Additional Sessions Judge to penalize?

(C.O.No.1)[Knowledge level]

- a.26
- b.27

- c. 28
- d. 29

Q.NO.4 Popularly known as the Criminal Procedure Code (CrPC), it is the primary legislation regarding the procedural aspects of criminal law. It also contains certain provisions that are not strictly procedural in nature which include provisions pertaining to the prevention of nuisance (Section 133) and Maintenance of Wife and Children (Sections 125-128). The Code contains 484 sections spread along 37 chapters, along with 2 schedules and 56 forms. It came into force on _____? (C.O.No.1) [Knowledge level]

- a. 10 October 1977
- b. 19 November 1973
- c. 1 April 1974
- d. 1 January 1972.

Q.NO.5 Warrant case are usually the cognizable offences which are serious or grievous in nature and in which the police arrests without warrant. It includes ____? (C.O.No.3) [Knowledge level]

- a. an offence punishable with imprisonment for life
- b. an offence punishable with death
- c. an offence imprisonment for a term exceeding two years
- d. All of the Above

Q.NO.6 CrPC, attempts to provide a remedy for the non-recording of an FIR by a police officer. As per this, any person whose FIR has been refused to be recorded by a police officer can approach the Superintendent of the Police by a written application through post and get his case investigated. Which sub clause in the provided sections of CrPC provides this remedy?

(C.O.No.3) [Knowledge level]

- a.154(2)
- b.154(3)
- c. 28(1)
- d. None of the above

Q.NO.7 The propositions are:

I. Delay in despatch of the FIR is not a circumstance which can throw out the prosecution case in its entirety.

II. Delay in despatch of the FIR is a circumstance which can throw out the prosecution case in its entirety.

III. The extra-ordinary delay in sending the FIR is a circumstance which provides a legitimate basis for suspecting that the FIR was recorded much later than the stated date and hour, affording sufficient time to the prosecution to introduce improvements. (C.O.No.1) [Knowledge level]

Which of the following is correct in respect of the aforesaid proposition:

- (a) I is true, II & III are false
- (b) I & III are true, II is false
- (c) II & III are true, I is false
- (d) III is true, I & II are false.

Q.NO.8 A refusal to answer questions put to a witness under section 161 of Cr PC is an offence
..... : (C.O.No.2) [Knowledge level]

- a. section 176, I.P.C.
- b. section 179, I.P.C.
- c. section 187, I.P.C.
- d. neither (a) nor (b) nor (c).

Q.NO.9 Every investigation under the Chapter XII of CrPC shall be completed without unnecessary delay.

The investigation in relation to an offence under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of the Indian Penal Code shall be completed within two months from the date on which the information was recorded by the officer in charge of the police station.

Such report needs to be submitted as soon as it is completed, provided under section Of CrPC.
(C.O.No.4) [Knowledge level]

- a.171
- b.173
- c. 174
- d. None of the above

Q.NO.10 When any person who, in the presence of a police officer, has committed or has been accused of committing a non- cognizable offence refuse, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

Under which section of CrPC this measure can be taken? (C.O.No.2) [Knowledge level]

- a.41
- b.42
- c. 43
- d. 44

Q.NO.11 The judgment delivered by the Court under section 265G w.r.t Plea bargaining, it shall be final and no appeal lies, except as given under the provision of the constitution of India?

(C.O.No.4) [Knowledge]

- A. Art 136
- B. Art 226
- C. Art 227
- D. All of the above

Q.NO.12. . When a convicts a person of any of the offences specified in sub-section (2) or of abetting any such offence and is of opinion that it is necessary to take security from such person for keeping the peace, the Court may, at the time of passing sentence on such person, order him to execute a bond, with or without sureties, for keeping the peace for such period, not exceeding three years, as it thinks fit.

(C.O.No.2) [Knowledge]

- A. Court of Session
- B. Court of a Magistrate of the first class or Executive Magistrate

- C. Court of Session or Court of a Magistrate of the first class
- D. Court of Session or Court of a Magistrate of the first class or Executive Magistrate

Q.NO.13. If a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that any such objectionable article is deposited in any place, he may by warrant authorize any police officer above the rank of a constable, under which section of CrPC? (C.O.No.2) [Knowledge]

- A. 93
- B. 94
- C. 95
- D. 96

Q.NO.14. If the proclaimed person does not appear within the time specified in the proclamation, the property under the attachment shall be at the disposal of the State Government; but it shall not be sold until the expiration of from the date of the attachment and until any claim preferred or objection made under section 84 has been disposed of under that section, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner; in either of which cases the Court may cause it to be sold whenever it thinks fit. (C.O.No.5) [Knowledge]

- A. 1 month
- B. 2 months
- C. 6 months
- D. 1 year

Q.NO.15. When a receives information that there is within his local jurisdiction any person who, within or without such jurisdiction. either orally or in writing or in any other manner, intentionally disseminates or attempts to disseminate or abets the dissemination of, — (a) any matter the publication of which is punishable under section 124A or section 153A or section 153B or section 295A of the Indian Penal Code. (C.O.No.3) [Knowledge]

- A. Executive Magistrate
- B. Court of Session or Court of a Magistrate of the first class or Executive Magistrate
- C. Court of Session or Court of a Magistrate of the first class
- D. Court of Session or Court of a Magistrate of the first class or Executive Magistrate

Part B [Thought Provoking Questions]

Answer any FIVE Questions. Each question carries EIGHT marks. (5Qx8M= 40M)

16. Explain the evidentiary value of FIR along with the liability of Police officers in default. (C.O.No.2) [Comprehension level]

17. Write a short note on-
a. Cognizable and Non-Cognizable offences
b. Plea bargaining (C.O.No.4) [Comprehension level]

18. Explain the procedure of making an arrest without warrant and the rights available to an arrested person. (C.O.No.2) [Comprehension level]
19. "A" presents a complaint in a court of Judicial Magistrate. What options are available to the magistrate to deal with the complaint? What procedure is followed by magistrate on receiving a complaint under Code of Criminal Procedure, 1973? (C.O.No.3) [Comprehension level]
20. Something (as an act, object, or practice) that invades or interferes with another's rights or interests (as the use or enjoyment of property) by being offensive, annoying, dangerous, obstructive, or unhealthful can be regarded as an act of nuisance. CrPC provides adequate measures that for removal of public nuisance in general and emergencies that can be taken by the authorities with due process of law. Justify (C.O.No.3) [Comprehension level]

PART C [Problem solving question]

Answer both the questions. Each question carries FIFTEEN marks. [2Q x15M= 30]

21. No Wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent. Examine who holds the right to claim maintenance and grounds of dismissal and alteration of the allowance. (C.O.No.3) [Comprehension level]
22. Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail as per section 438 of CrPC. Also Explain and write down the provisions relating to granting bail in non bailable offences. (C.O.No.4) [Comprehension level]