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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**MID TERM EXAMINATION**

**Even Semester:** 2018-19

**Course Code:** LAW 111

**Course Name:** Criminal Procedure Code

**Programme&Sem:** BA/BBA/B.Com.,LL.B.(Hons.) & VI Sem

**Date:** 27 March 2019

**Time:** 2 Hours

**Max Marks:** 60

**Weightage:** 30%

**Instructions:**

- I) Part A and Part B will need to be answered in detail. They are in the form of essay questions.*
- II) Part C is objective type. Answer to the point.*

**Part A**

Answer **both** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

1. Mr. Rahim was summoned by the Court in a case which involved breach of trust, forgery and misappropriation of money. By the time the summons was issued, Rahim had retired from office for over one and half years. He shifted his residence and moved away to his native village in Tamil Nadu. The summons report of 'not traceable' was recorded in the court. Later NBW was issued and after that, Rahim was not forth coming report was submitted to court and recorded. Rahim was not traceable. Later the house in the city which was built on a 20 x 30 sq.ft. plot was attached. When Rahim wanted to sell the property, he realized his property was attached. He immediately moved to the court for the restoration of his property. Answer the following questions;
  - a) How can a person be compelled to appear before the Court?
  - b) Does the process to compel appearance follow a stage by stage issuance of process?
  - c) What are the conditions for restoration of property attached?
  - d) Can the court direct attachment of property along with proclamation as absconder?
2. Under Sec. 91 of CrPC, which deals with the production of document;
  - a) Does the term "Person" include an accused person in trial?
  - b) Why is this protection here?
  - c) If a document or thing produced, is it necessary for the person to attend the court compulsorily?
  - d) For allowing the application for production of documents or other things under Section 91 Cr.P.C., what are issues the Court has to deal with?

## Part B

Answer **all** the Questions. **Each** question carries **four** marks.

(5Qx4M=20)

3. What is understood by personal service of summons? When substituted service is used?
4. What is the duty of a person appointed as Public Prosecutor under section 24 of CrPC? What conditions are prescribed to be appointed as PP under the Code?
5. Define any two of the following;
  - a) Non-cognizable offence
  - b) Proclamation as absconder
  - c) Summons case and Warrant case.
6. Discuss the General Rule relating to jurisdiction of Criminal Courts? How does the Code envisage the provision when offences are not local in jurisdiction? Explain any two such provisions.
7. If a search warrant is directed and the premises of the accused does it violate the constitutional Right under Article 22 of the Constitution? What is the procedure to be followed if the premise is resided by a pardanashin woman?

## Part C

Answer **all** the Questions. **Each** question carries **two** marks.

(10Qx2M=20)

8. As per the Explanation to Section 2(d) of the Cr.PC, a report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a \_\_\_\_\_.
9. \_\_\_\_\_ includes all the proceedings under the Cr.PC for the collection of evidence conducted by a police officer.
10. Where imprisonment has been awarded as part of substantive sentence, the imprisonment in default of payment of fine shall not exceed \_\_\_\_\_ of the term of imprisonment which the Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of fine.
11. Any magistrate may arrest any person who commits an offence \_\_\_\_\_.
12. As per which provision a police officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making arrest, detained therein.  
TRUE OR FALSE
13. According to Sec.70 (1) of the Code, every warrant of arrest issued by a Court \_\_\_\_\_ in writing.
14. Power of Court to issue proclamation against person absconding is provided in \_\_\_\_\_
15. Can a court issue warrant in lieu of summons?
16. Private complaint is provided under section-----
17. The word 'cognizance' means -----and -----

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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**END TERM EXAMINATION**

**Even Semester:** 2018-19

**Course Code:** LAW 111

**Course Name:** Criminal Procedure Code

**Programme&Sem:** BA LL.B (H), BBA LL.B (H) & B.Com LL.B(H) VI Sem

**Date:** 2019

**Time:** 3 Hours

**Max Marks:** 80

**Weightage:** 30%

**Instructions:**

- I) Part B and Part C will need to be answered in detail. They are in the form of essay questions.*
- II) Part A is objective type. Answer to the point.*

**Part A**

**Part C**

Answer **all** the Questions. **Each** question carries **2** marks. (10 Q x 2M=20 marks)

1. Report submitted under section 173 CrPC is called-----
2. \_\_\_\_\_ includes all the proceedings under the Cr.PC for the collection of evidence conducted by a police officer.
3. Where imprisonment has been awarded as part of substantive sentence, the imprisonment in default of payment of fine shall not exceed \_\_\_\_\_ of the term of imprisonment which the Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of fine.
4. Power of Court to issue proclamation against person absconding is provided in \_\_\_\_\_
5. Private complaint is provided under section-----
6. Special summons is issued under section -----in case of -----offences
7. A is tried for causing grievous hurt and convicted. The victim dies afterwards. Can A be charged for culpable homicide? TRUE OR FALSE.
8. Petty offences means offences punishable with-----
9. When an offence is bailable, bail will be granted under section-----of CrPC.
10. -----is a temporary release of a convict from custody granted in emergency cases.

**Part B**

Answer **all** the Questions. **Each** question carries **15** marks. (2 Q x 15 M = 30marks)

11. The material on record did not show a prima facie case but charges were framed by the Magistrate. Since there was no application of mind by the magistrate, the order framing charges was set aside by the High Court.
  - a. What is the objective of a charge?

- b. How does section 211 define the format of a charge?
- c. What are the particulars to be stated in the charge?
- d. When can the court alter the charge?

**OR**

Draw a flow diagram to show the stages in trial of warrant cases and summons cases before a magistrate. What is the difference in procedure between the trials of warrant cases and summons cases?

12. A was produced before Sessions Court. The court did not notice any symptoms of unsoundness of mind during the trial as well as at the time of questioning under Section 313. Thus in view of the Sessions Court the accused appears to be normal but in view of the strange answers given by him in connection with certain incriminating evidence alleged against him, he was referred to a psychiatrist.
- a) What is the procedure prescribed when an accused person is of unsound mind?
  - b) What is the next step now?
  - c) What will be the implication if accused is proved to be of unsound mind?
  - d) What will happen if his insanity is not proved?

**OR**

Section 273 of CrPC provides that evidence has to be taken in presence of the accused. Why this section is made obligatory? In some cases the personal attendance of the accused is dispensed with. In such cases, how does this provision perform?

### **PART-C**

Answer **all** the Questions. **Each** question carries **15** marks. (2 Q x 15 M=30marks)

13. The Supreme Court **A v. B** set aside High Court's order, whereby the High Court had not granted bail to the respondent. The Supreme Court observed in the case that the Court must not go into deep into merits of the matter while considering an application for bail.
- a) What are the guidelines when the courts exercise bail jurisdiction?
  - b) When can a person be given bail?
  - c) Can bail be granted in case of non-bailable offences?
  - d) If a person is accused of heinous crime, is it a sufficient and only reason to deny bail?
14. A has very good antecedents, he belongs to good family and there is no criminal case pending against them. That the applicant is a permanent resident and there are no chances of their absconding from the course of justice. That the applicant undertakes to present himself before the court as and when directed. That the applicant undertakes to cooperate with the police during the course of investigation. A apprehends prosecution for posting on face book, twitter and some other social media platform. Draft an anticipatory bail application.

**OR**

Rammakka stays in a very remote village in North Karnataka. She is of advanced age and not in a fit condition to travel to Bangalore Courts to give evidence in the Court. Can her personal attendance be dispensed with? What is the provision available in such cases under CrPC?

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