

MIZORAM PUBLIC SERVICE COMMISSION
MIZORAM CIVIL SERVICE (JUNIOR GRADE)
DEPARTMENTAL EXAMINATIONS, DECEMBER, 2022

PAPER - II

Time Allowed : 3 hours

Full Marks : 100

Pass Marks : 40

*Answer any 10 (ten) questions of the following.
Each question carries equal marks of 10 each.*

1. Answer the following questions:

- (a) What are the three classes of magistrate empowered to issue order in urgent cases of nuisance or apprehended danger? States under what grounds an order u/s 144 of Code of Criminal Procedure, 1973 can be invoked? **(3)**
- (b) Under what condition an ex parte order u/s 144 can be issued? How long does an order passed u/s 144 Code of Criminal procedure, 1973 remains in force? **(2)**
- (c) The power u/s 144 cannot be used as a tool for suppressing Fundamental Rights guaranteed under the Indian Constitution. Explain in the light of the decided case of the Supreme Court? **(5)**

2. Answer the following questions:

- (a) Whether an appeal lies against sentence and acquittal? If so, what are the procedure prescribed under Code of Criminal Procedure, 1973? **(7)**
- (b) When does an appeal by State Government against sentence and acquittal abate? **(3)**

3. Explain:

(2×5=10)

- (a) The circumstances when a magistrate may arrest a person and procedure on such arrest?
- (b) The Executive Magistrate's power to disperse an unlawful Assembly under section 129 of Code of Criminal Procedure, 1973?

4. State the form of warrant of arrest and its duration? Explain the procedure to be followed in executing a warrant beyond the jurisdiction of the court issuing it and procedure on arrest of person against whom such warrant is executed? **(3+7=10)**

5. "A" is tried for causing grievous hurt to "B" and was convicted, "B" afterwards dies of the same injury. "A" is again tried for culpable Homicide. Examine the legality? **(10)**

6. Answer the following:

(5×2=10)

- (a) 'A' puts jewels into a box belonging to 'Z', with the intention that they may be found in that box and that the circumstances may cause Z' to be convicted of theft. What offence has been committed?
- (b) 'A' holds 'Z' down and fraudulently takes 'Z' 's money without 'Z's consent and in order to commit the theft A voluntarily caused wrongful restraint to Z. What offence A has committed?

- (c) 'A' voluntarily throws into a river a ring belonging to Z' with the intention of causing wrongful loss to Z'. What offence 'A' has committed?
- (d) 'A' signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. What offence A has committed?
- (e) 'A' is at work with a hatchet the head flies off and kills a man who is standing nearby. What offence 'A' has committed?
7. Discuss the doctrine of mens rea and state to what extent it is applicable to the offences under the Indian Penal Code? How has it been diluted in case of strict liability offences? **(10)**
8. (a) Mention the various mode of punishment to which offenders are liable under Indian Penal Code? **(5)**
- (b) 'A' gives 'Z' ten strokes with a stick, whether A' can be punished for each blow separately? Justify your answer with the relevant provision laid down in Indian Penal Code? **(5)**
9. Under what circumstances the right of private defence of the body and property extend to causing death of the assailant. When does the right of private defence of the body commences and how long does it continues? **(7+3)**
10. Who is an abettor? Discuss the liability of abettor for an effect caused by the act abetted different from that intended by the abettor. Give illustration to support your answer? **(10)**
11. Define: **(2×5=10)**
- (a) Rebuttable and irrebutable presumption with illustrations.
- (b) Proved, disproved and Not proved
12. What is admission? Who can make admission? 'Admission is relevant and may be proved against the person who makes them, but they cannot be proved by or on behalf of the person who makes them'. State the exception to this general rule? **(2+3+5=10)**
13. Discuss the provisions with respect to 'Communication during marriage' and 'official communication' provided under Indian Evidence Act,1872? **(5+5=10)**
14. Who is an 'Expert' .How is the disputed handwriting of a person proved? Explain the evidentiary value of expert opinion? **(2+3+5=10)**
15. Write a brief note on Hostile witness and discuss the evidentiary value of Hostile witness? **(10)**