

MIZORAM PUBLIC SERVICE COMMISSION

MIZORAM CIVIL SERVICE (JUNIOR GRADE) DEPARTMENTAL EXAMINATIONS GOVERNMENT OF MIZORAM, DECEMBER, 2020

PAPER - II

Time Allowed : 3 hours

Full Marks : 100

Pass Marks : 40

Answer any 10. All questions carry 10 marks.

1. A,B,C and D armed with guns entered into Z's house in order to rob Z's house. On resisting the actions of the perpetrators, A and B shot Z dead. C stole jewellery from Mrs.Z and D raped the daughter of Z. Discuss the liability of A,B,C and D.
2. Explain the fundamental rule of criminal liability '*actus non facit reum, nisi mens sit rea*' i.e the act itself is not criminal unless accompanied by a guilty mind.
3. 'The law does not expect the citizen to be ranked a coward or to leave his house at the mercy of the burglars'. Elaborate this statement in the light of right of private defence.
4. Discuss the different stages of commission of a crime giving illustrations and relevant case laws.
5. A cut down a tree lying on Z's property without the consent of Z with the intention of dishonestly taking it out of Z's possession. Does this constitute theft? Explain.
6. A strikes B on the head with a hockey stick causing fracture in the skull and was charged under section 325 IPC. The Court allows compounding the offence by A and was thus acquitted under section 320 Cr.P.C. A subsequently dies because of his injury. Then again B was charged under section 304 IPC but pleaded that the trial cannot proceed in view of the previous acquittal. Will A succeed?
7. Discuss the circumstances under which a person may be allowed to apply for 'bail' under the provisions of the Criminal Procedure Code.
8. Describe briefly the provisions relating to investigation on the basis of information received in the case of cognizable offences under Cr.P.C.
9. Section 164 of Cr.P.C makes mention of certain statutory requirements which a Magistrate who records a confession must follow. What are those statutory requirement? And if they are not followed, what is the fate of that statement?
10. Discuss the provision under which an order for maintenance of wives, children and parents may be issued by the Court on the basis of complaint submitted by a petitioner.
11. The question is whether A sold pure milk to B. A wants to offer as evidence the fact that he sold pure milk to C,D,E and other customers on the same day. Discuss the relevancy of the aforesaid fact sought to be proved by A.

12. The legal maxim *Nemo moriturus presumuntur mentri* meaning 'no one when about to die is presumed to lie'. Explain this rationale behind dying declaration.
13. Explain the doctrine of 'estoppel' as provided in the relevant provisions of the Indian Evidence Act, 1872.
14. Write short note on the following: (5+5=10)
- (a) Burden of proof
 - (b) Res gestae
15. 'A conspiracy is hatched in secrecy and executed in darkness'. Elaborate this statement explaining the provision of Section 10 of the Indian Evidence Act, 1872.

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