

MIZORAM PUBLIC SERVICE COMMISSION

GRADE-III OF CIVIL JUDGE CADRE OF THE MIZORAM JUDICIAL SERVICE MAIN EXAMINATION

UNDER LAW & JUDICIAL DEPARTMENT, GOVERNMENT OF MIZORAM, JULY, 2017

LAW PAPER - II

Time Allowed : 3 hours

Full Marks : 100

Marks for each question is indicated against it.

Answer any two (2) questions from question 1 - 4

1. What is *Mens Rea*? Explain the dictum “*Actus Non Facit Reum Nisi Men Sit Rea*”. How far a motive is necessary for determining a crime? Are there any exceptions to the dictum *Mens Rea*? Illustrate your answer. (2+3+3+2=10)
2. What is meant by private defense? Discuss the situations when the right of private defense of the body extends to causing death. Is there any limitation to this right? Discuss. (2+5+3=10)
3. (a) Discuss the provisions when culpable homicide will not amount to murder. (7)
(b) A intending to kill B, shoots at him but the shot misses him and accidentally hits C whom he never intended to injure. C dies on the spot. Discuss the guilt of A. (3)
4. (a) What are the essentials of the offence of theft? When can theft be robbery? (7)
(b) X finds a purse on the road not knowing to whom it belongs. He picks up it and started using for his personal purpose. Has X committed any offence? Explain with relevant provisions. (3)

Answer any three (3) questions from question 5 - 10

5. Discuss with relevant provisions of law under Cr. P. C. the procedures for recording of confessions and statements. (10)
6. What do you mean by ‘charge’? Can Court alter charge? What is effect of errors in charge? Discuss. (2+4+4=10)
7. State and explain under what circumstances the bail may be taken in case of non-bailable offences? Also discuss the circumstances where the Court have authority to grant anticipatory bail. (5+5=10)
8. Discuss the procedure to be followed when investigation cannot be completed in twenty-four hours under Cr.P.C. (10)
9. (a) Who may take cognizance of an offence? What will be the consequence if the complaint is made to a Magistrate who is not competent to take cognizance of it? (3+3=6)
(b) Under what circumstances a Magistrate can issue warrant in place of issuing summon? (4)

10. Write short notes of **any two (2)**: **(2×5=10)**
- (a) Irregularities that do not vitiate the criminal proceedings.
 - (b) Procedure for arresting a woman.
 - (c) Order to pay compensation.
 - (d) Security for keeping peace.

Answer any three (3) questions from question 11 - 16

11. What are the primary and secondary evidence as provided under the Indian Evidence Act, 1872? Under what circumstances is the secondary evidence of a document admissible? **(7+3=10)**
12. What do you mean by confession? Discuss the provisions regarding confession in police custody. Also, highlight the evidentiary value of a retracted confession. **(2+5+3=10)**
13. Discuss the Law of dying declaration in the light of relevant provisions of Indian Evidence Act and judicial pronouncement. How does Indian law of dying declaration differ from English law? **(8+2=10)**
14. What do you mean by an ‘accomplice’? How far is his evidence admissible? Is the evidence given by an accomplice sufficient to make the accused liable? **(3+5+2=10)**
15. Discuss the law of circumstances evidence in the light of different provisions of Indian Evidence Act and decisional law. **(10)**
16. Write short notes of **any two**: **(2×5=10)**
- (a) Leading questions
 - (b) Evidential value of Hostile Witness
 - (c) Opinions of Expert
 - (d) Impeaching credit of witness

Answer any two (2) questions from question 17 - 20

17. Discuss the rule of Strict Liability and Explain with judicial decisions how Indian Judiciary has evolved the rule of Absolute liability. **(10)**
18. Discuss the law of vicarious liability of State in the light of *Kasturilal v.State of U.P.*, AIR 1965 SC 1039 and other relevant decisional laws.
19. Is it necessary that in all cases of defamation there must be loss of reputation of plaintiff? Explain with illustrations and case laws. **(10)**
20. Write short notes of **any two (2)**: **(2×5=10)**
- (a) Malicious prosecution
 - (b) *Volenti non fit injuria*
 - (c) Remoteness of damages
 - (d) *Actio personalis moritur cum persona*