



LL.B. (Hons.) (Semester – IX) Examination, October 2015
CRIMINAL PROCEDURE CODE

Duration : 3 Hours

Max. Marks : 75

- Instructions :** i) Answer **any eight** from Q. No. 1 to 12. (8×8=64).
ii) Answer to Q. No. 13 and 14 are **compulsory**. (6+5=11).
iii) **Each** answer should begin on a **fresh** page.
iv) Mention question number **correctly**.
v) Figure to **right** indicates marks.

1. Write a note on the following :
 - a) Withdrawal from prosecution
 - b) Inquiry and Investigation.
2. Explain the meaning and purpose of arrest and discuss the procedure to be followed at arrest under Criminal Procedure Code.
3. What are different Courts exercising jurisdiction under Criminal Procedure Code ? What sentences can they pass ?
4. What is meant by taking Cognizance of Offence by Magistrate and explain briefly the limitations imposed by the Code on the unfettered powers of magistrate to take cognizance of offences.
5. What is Anticipatory Bail ? Under what circumstances can such bail be granted ? By which court can such bail be granted ?
6. Elucidate the rule that 'for every distinct offence there should be a separate charge and each such charge should be tried separately'. Briefly explain the provisions relating to Joinder of Charges.
7. Explain the procedure to be followed by a magistrate in a trial of warrant case instituted on a police report.
8. Discuss the law relating to grant of conditional pardon to any person accused of an offence.
9. What are the circumstances in which, and the Magistrate by whom, a person may be required to give security for being of good behaviour ? Explain the procedure to be followed in taking such proceedings against a person.

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LHO – 2215

10. What are powers of the executive magistrate to issue orders under Sec. 144 of the Cr.P.C. ? What procedure to be followed in issuing such orders ? What remedies, if any, are available against such orders ? 8
11. Under what circumstances can Wife claim maintenance from her husband ? Which court will have jurisdiction to entertain such an application ? What is the procedure for the enforcement of an order granting maintenance ? 8
12. Discuss the provisions relating to remand of an accused person during investigation prescribed in Criminal Procedure Code.
13. Answer **any two** of the following : (2×3=6)
- a) Case Diary
 - b) Summons Case and Warrant Case
 - c) Reference.
14. Answer **any two** of the following : (2×2.5=5)
- Instruction – Refer appropriate statutory provisions and judicial decisions. Emphasis must be on reasoning.
- a) In the case mentioned, A is only charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. Can he be convicted of criminal breach of trust or of receiving stolen goods for which he was not charged ?
 - b) Zahira has obtained divorce on the ground of cruelty. After obtaining divorce, she is residing separately with her parents. Can she claim maintenance from her divorced husband ?
 - c) A, an indigent accused has been convicted in a trial in which he was not provided legal aid. He prays for the conviction to be set aside because he could not defend himself properly without the help of any advocate. Will he succeed ?