



(Please write your Exam Roll No.)

Exam Roll No.

END TERM EXAMINATION

SIXTH SEMESTER [L.B] MAY-JUNE-2017

Paper Code: LLE-306

Subject: Code of Criminal Procedure-II

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 Write short notes on the following: (5x5=25)
- (a) Submission of death sentences of confirmation.
 - (b) Power to examine the accused under Section 313.
 - (c) Under what circumstances Reference can be made?
 - (d) Provisions of limitations for taking cognizance of Offences.
 - (e) Essential of Judgment



PART-B

UNIT-I

- Q2 Explain the rule that 'For every distinct offence there should be a separate charge and each charge should be tried separately'. Also discuss the exceptions to this rule. (12.5)
- Q3 Write explanatory notes on the following:-
- (a) A person once convicted or acquitted cannot be tried again. Explain. (6.5)
 - (b) Write a detailed note on Compounding of offences under the Cr. P.C. (6)

UNIT-II

- Q4 Explain the salient features of a Trial before Court of Session. (12.5)
- Q5 Compare and contrast the provisions of Cr. P.C for the trial of a summons case and for the trial of warrant cases. (12.5)

UNIT-III

- Q6 Examine the circumstances under which an Appeal can be filled under Cr. P.C. What are the powers of appellate court? Can such court take additional evidence? (12.5)
- Q7 Discuss in detail the revisional powers of High Court and the Court of Session. (12.5)

UNIT-IV

- Q8 Explain the law and the procedure for maintenance of wife, children and parents under the code of Criminal Procedure, 1973. Can the order of maintenance be altered? (12.5)
- Q9 Explain in detail the powers of the Supreme Court, High Courts and Court of Session to transfer the criminal cases and appeal under the Code of Criminal Procedure, 1973. (12.5)



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MERCY CHANCE EXAMINATION

SIXTH SEMESTER [LLB] AUGUST 2016

Paper Code: LLB-306

Subject: Code of Criminal Procedure-II
(BATCH 2005-2013)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No1 of Part A which is compulsory. Select one question from each unit of part B.

PART-A

- Q1 Explain:- (5x5=25)
- (a) Content of charges and effect of errors in the framing of charges.
 - (b) Difference between trial of summon case and warrant case.
 - (c) Compounding of offences under Cr. P.C.
 - (d) Reference of High Court under Cr. P.C.
 - (e) Confirmation of death sentence.

PART-B UNIT-I

- Q2 Discuss the procedure of trial of warrant cases otherwise than on the police report by magistrate under Cr. P.C. (12.5)
- OR
- Q3 Discuss the procedure followed by the Court of Session while conducting a criminal trial. (12.5)

UNIT-II

- Q4 Discuss the power of the Supreme Court as regards the transfer of criminal proceedings from one court to another. How these powers are different from the power of the High Court to transfer a criminal proceeding. (12.5)
- OR
- Q5 Discuss:- (12.5)
- (a) *autrefois acquit* and *autrefois convict*.
 - (b) Power of court to examine accused u/s 313 and 315

UNIT-III

- Q6 Discuss the procedure of appeals against conviction and acquittals as given under Cr. P.C. (12.5)
- OR
- Q7 Discuss the scope of Criminal Revision under the provisions of Cr. P.C. On what grounds a criminal revision can be filed and how the revisional jurisdiction is different from the appellate jurisdiction of the High Court. (12.5)

UNIT-IV

- Q8 Write explanatory notes on:- (12.5)
- (a) Release on Probation for good conduct u/s 360 Cr. P.C.
 - (b) Suspension, Remission and Commutation of Sentences.
- OR
- Q9 Describe the law and procedure for maintenance of wife, children and parents in Cr. P.C. Under what circumstances it can be claimed and altered under the Cr. P.C. Provisions. (12.5)

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END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY-JUNE 2016

Paper Code: LLB-306

Subject: Code of Criminal Procedure-II

Time : 3 Hours

Maximum Marks : 75

Note: Attempt any five questions including Q no.1 of part A which is compulsory. Select one question from each unit of part B.

PART-A

- Q1 Write legality of following under relevant provisions of Cr.P.C:- (5x5=25)
- A chargesheet was filed against 'A' charging him under section 325, IPC, with causing grievous hurt. He proves in the trial that he caused the said hurt, but on the grave and sudden provocation. The Magistrate convicted him under section 335, with causing grievous hurt on the grave and sudden provocation.
 - A magistrate commits a case 'X' to the court of Session. The offence disclosed during the trial was not the one 'exclusively' triable by it. The Session Court continues the proceeding till the conclusion.
 - Magistrate discharging the accused under section 245(2) in a case without recording reasons, if he feels that the charges are groundless.
 - A magistrate first class refers a case (in which there were three accused) to CJM under section 325 of Cr.P.C. He **forwarded only Accused No. 1** stating the opinion that he should be convicted for five years for the offence 'X'. Whereas the Magistrate acquitted accused No.2. and passed a sentence of two years for Accused No.3. CJM under section 325 proceedings passed an order, after appreciating and reappreciating evidences, of conviction, of Accused No. 1 for three years, Accused No. 2 for one year accused no 3 was acquitted.
 - "A" is tried upon a charge of theft as a servant and acquitted. He was again charged and tried, while the acquittal remains in force with breach of trust.

PART-B UNIT-I

- Q2 Write notes on the following:-
- Power to postpone/adjourn proceedings, under section 309 and Right of speedy Trial. (6.5)
 - Examination of accused under section 313 and non compliance of the said provision. (6)
- Q3 Define "interlocutory" and "final" orders. Examine the power of High Court to review such orders in its Revisional Jurisdiction and Jurisdiction under section 482 Cr.P.C. (12.5)

UNIT-II

- Q4 Write explanatory notes on the following:-
- Power and procedure to try cases summarily (6.5)
 - Commutation and emission of sentences. (6)

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- Q5 Give the procedure to be followed by the Magistrate in the trial of summons case. How it is different to that of trial by the Magistrate of Warrants case in following respects; (a) framing of charges; (b) plea of guilt; (c) effect of absence/death of the complainant; (d) withdrawal of complaint; (e) stopping the proceedings; (f) judgement and sentence. (6.5+6=12.5)

UNIT-III

- Q6 Critically examine the rights of Victim during criminal trial and criminal appeals under various provisions of Cr.P.C provisions and directions of Apex Court of the Country. (12.5)
- Q7 Discuss the difference in scope of appeal against convictions and appeal against order of acquittals in higher courts. What powers can be exercised by the appellate courts in such appeal against convictions and acquittals. (12.5)

UNIT-IV

- Q8 Examine the procedure for getting a case transferred from a criminal court to another criminal court by Supreme Court and High Courts in India under the provisions of Cr.P.C, in the light of *Zahira H. Sheikh v. State of Gujrat* (2004 Cri.L.J. 20502(SC)) and other decisions of the Apex Court? Can a transfer order be made by the Supreme Court/Court if there is no formal application seeking transfer of the case and the court thinks such transfer necessary as incidental or ancillary relief to the main relief sought by the party? (6.5+6=12.5)
- Q9 Considering the Interpretation of "legally wedded" given by courts under maintenance proceedings and other maintenance provisions, decide: Sonam filed an application u/s 125 claiming maintenance for herself as also minor daughter, alleging that at the time of her marriage, twelve years before, with Rohan the fact that the respondent was already married and his spouse was living was not known, and that after the discovery of the previous marriage of Rohan the relationship between the parties gradually became stained and ultimately Rohan started neglecting her and minor daughter and refused to maintain them. Rohan denied his liability to pay any maintenance to Sonam or her minor daughter, and pleaded that the applicant (Sonam) was fully aware about his first marriage and the fact that his first wife was living at that time. Decide. (12.5)



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MERCY CHANCE EXAMINATION

SIXTH SEMESTER [LLB] AUGUST-SEPTEMBER-2015

Paper Code: LLB 306

Subject: Code of Criminal Procedure-II

Time : 3 Hours

Maximum Marks :75

Note: Attempt any five questions including Q.no.1 of Part A which is compulsory. Select one question from each unit of Part B.

Part-A

01. Write short notes on the following:

- Procedure of Appeal when Appellant in jail.
- Language and contents of judgement.
- Contents of Charge
- Difference between 'discharge' and 'acquittal'
- Language of record of evidence

(5x5=25)

Part-B

Unit-I

02. Discuss the effects of errors in 'charge'. Discuss its impact after the commencement of the trial with the help of relevant case laws.

03. Discuss the scope of various provision of Cr. P.C. relating to inquires and trial of offences with help of case law?

Unit-II

04. Explain the procedure to be adopted with special features in case of trial of Summons case. In what respect 'trial of summon' case is different from 'trial of warrant case'.

05. Discuss the scope of commencement of trial proceedings before the court of Session Judge. Explain the limitations, if any.

Unit-III

06. Discuss the scope of 'appeal from conviction' and 'appeal in case of acquittal' with the help of decided case laws.

07. Explain the scope of revisions and the guidelines laid down by the Supreme Court to review its own judgment, order etc.

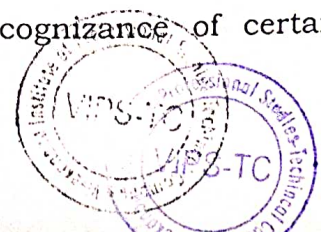
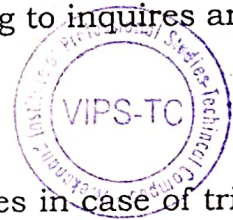
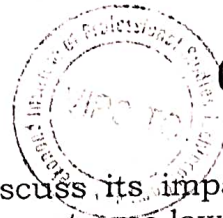
Unit-IV

08. Is the provision for 'maintenance' exclusively available under Section 125 of Criminal Procedure Code, 1973, with the help of case law?

09. Discuss the rationale of "limitation of taking cognizance of certain offences" with the help of relevant case laws.

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END TERM EXAMINATION

SIXTH SEMESTER [LLB(H)] MAY-JUNE-2015

Paper Code: LLB306

Subject: Code of Criminal Procedure-II

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of part A which is compulsory. Select one question from each unit of part B.

PART-A

- Q1 Write Short notes on the following:- (5x5=25)
- (a) Court's power to examine the accused.
 - (b) Differentiate between discharge and acquittal.
 - (c) Provisions in Cr.P.C. regarding probation.
 - (d) Procedure of filing an appeal against the order of acquittal of the accused by the state Government
 - (e) Provision for limitation for taking cognizance of several offences.

PART-B

Unit-I

- Q2 "The strict observance of Section 218(1) may lead to multiplicity of trials," In view of this laid down the general rule embedded in Section 218(1) of Cr.P.C and its exception with help of case law. (12.5)
- Q3 Explain the law relating to. Autrefois acquit and Autrefois convict as contained in Section 300 Cr.P.C. and state the applicability of S.300 in following cases- (12.5)
- (a) A was convicted of causing grievous hurt to B and was sentenced to punishment. Later on B succumbs to injuries Can A be given prosecuted for culpable homicide on same facts.
 - (b) Will your answer be different if in the first trial A was acquitted on the charge of grievous hurt?

Unit-II

- Q4 A court of session cannot directly take the cognizance of any offence. Explain the procedure of committal of case before session court. Also, explain the procedure of trial of such case (after committal to session court). (12.5)
- Q5 (a) Who can commute sentence? If in a multiple murder case to death? Death penalty of one of the co-accused was commute. Does the other co-accused also entitled to compensation? (6)
- (b) What are the powers of High Court in proceedings upon reference for the confirmation of the death sentence? (6.5)

Unit-III

- Q6 Critically examine the appellate powers of the High Court in criminal cases, in the light up the guidelines laid down by the Supreme Court and Supreme Court rules. (12.5)
- Q7 What is the scope of criminal revision? When can a revision be filed and in which court and under what circumstances? (12.5)

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Unit-IV

- Q8 (a) Can a criminal trial be transferred from one state to another? If so, to whom and under what circumstances?
- (b) Can an order transfer be made in following cases:-
- (i) Where a Magistrate in whose court the case, of which transfer is sought, is pending makes an affidavit strongly opposing transfer?
 - (ii) Where there is an apprehension of physical harm, threat or intimidation from opposite party without there being any evidence to show that such apprehension is reasonable?
- Q9 H and W got married in the year 1998. Marital relation between them became strained and within seven months of the marriage they started living separately. In the meantime H developed intimacy with S. On the representation by H that he has obtained divorce from W, S and H got married in a temple. Within 6 months of the marriage a son P was born to S and H. Thereafter H left S and went back to cohabit with W. S filed an application for maintenance for herself and her child P under section 13 of Cr.P.C. H disputes that S is not the wife and also does not admit the paternity of P. Decide the question of entitlement of maintenance of each of the above applications under Cr.P.C.



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SUPPLEMENTARY EXAMINATION

SIXTH SEMESTER [LLB] SEPTEMBER 2014

Paper Code: LLB-306

Subject: Code of Criminal Procedure - II

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Part A which is compulsory. Select one question from each unit of Part B. Attempt all the questions by referring to either provision or case laws or both.

PART-A

(5x5=25)

- 1 (a) 'A' an accomplice, against whom a public prosecutor has certified that he has not complied with the condition of pardon, is tried u/s 308 of Cr.P.C, 1973. 'A' proves that he had complied with the conditions of pardon. In view of the pardon already granted to him, the court reduces the quantum of punishment. Is this reduction of punishment legal?
- (b) A wife who is unable to maintain herself, files an application claiming maintenance against her husband u/s 125 Cr.P.C. She also requests the court to order for interim maintenance pending final disposal of the matter. The husband objects the demand of interim maintenance on the ground that there is no such provision in the said section of the Code. Decide.
- (c) The accused were convicted of rioting. Which was the only charge before the Magistrate. On appeal, the sessions judge acquitted them of rioting, but convicted them under sections 448 and 323 of the Penal Code of house trespass and hunt. Discuss the legality of conviction of the accused by the sessions judge.
- (d) 'A' is charged u/s 242 of the IPC with having been "in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit". He challenges his conviction on the ground that there was error in the charge because the word "fraudulently" was omitted. Decide.
- (e) More than two years ago 'A' was sentenced to death but the sentence has not been executed so far. 'A' moves the court that his death sentence be commuted to imprisonment for life as there was undue delay in the execution of death sentence. Decide.

PART-B

UNIT-I

Advise the Magistrate in the following cases:-

- (a) In a trial the accused was charged with attempt to commit murder u/s 307 I.P.C. However the Magistrate concludes that it was only a case of causing grievous injury u/s 326 IPC. There was no charge u/s 326 IPC initially. (6.5)
- (b) While trying an accused, a judicial magistrate concludes that in the circumstances of the case, the accused deserves more punishment than he was empowered to impose. (6)

Decide:-

- (a) A father approached his married daughter from his first marriage for maintenance on the ground that he was unable to maintain himself. He was living with his second wife whom he had married when his first wife died about 30 years ago. Can Magistrate order the maintenance? (6)

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(b) Joy is tried for a charge of theft as a servant and acquitted. Can he be charged again with criminal breach of trust on the same facts of the theft? (6.5)

UNIT-II

Q4 Over a property dispute between two brothers, 'H' the elder brother, strikes 'L' on the head with a stick causing a fracture on the skull. He is tried on a charge of grievous hurt u/s 325 of IPC before a Magistrate first class. The Court allows the compounding of the Offence, accordingly H and L enter into a compromise and H is acquitted as a result of it u/s 320 of Cr.P.C. 'L' subsequently died of injury caused by 'H' and therefore H is placed on trial before a court of sessions for the offence u/s 304 of IPC.

'H' contends that the trial cannot proceed as it is violative of his Fundamental Right guaranteed to him under Article 20(2) of the Indian Constitution as well as protection given to him u/s 300(1) of Cr.P.C. 1973.

Discuss and decide the above situation with special reference to terms 'trial', 'prosecution' and 'Court of Competant jurisdiction' used under the said provisions. (12.5)

Q5 (a) At the trial the accused pleads guilty to the charge. The Magistrate does not record the statement of the accused u/s 313 Cr.P.C. and convicts him. Discuss the validity of such order. (6.5)

(b) In light of latest amendments in section 309 Cr.P.C. Discuss the concept of "speedy trial" and its significance. (6)

UNIT-III

Q6 (a) In case of sentence of death who can submit the proceedings to the Court? What are the powers of High Court on such reference. (6.5)

(b) Discuss the power of High Court to transfer Criminal Cases. (6)

Q7 (a) Distinguish between dismissal of a complaint, discharge and acquittal. What are the remedies available in each of these cases. (6)

(b) A case was committed to sessions Judge for trial of murder. Police had recovered blood stained clothes from the house of the accused and an Iron rod. Sessions judge in the absence of finger print report discharged the accused. Is discharge at this stage justified? What is the other option available to him? (6)

UNIT-IV

Q8 Describe the procedure of trial of warrant cases instituted on police report. How it is different from cases instituted otherwise than on police report. What are the reasons for providing different procedures for trial of warrant cases instituted on police report and otherwise than on police report? (12)

Q9 Write notes on the following:-

(a) Appeal against order of acquittal

(b) Differences between appellate and Revisional jurisdiction of High Court. (6)



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END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY- JUNE 2013

Paper Code: LLB-306

Subject: Cr P.C.II

Time : 3 Hours

Maximum Marks:75

Note: Q.1 is compulsory. Attempt any one question from each unit.

PART-A

(5X5=25)

- Q.1 Write Explanatory notes on:
- Reference to High court
 - Commissions for the Examination of witness.
 - Rights of the accused persons at the trial.
 - Difference between discharge and acquittal
 - Withdrawal from prosecution

PART - B

UNIT - I

- Q.2 While also explaining the meaning and importance of 'charge' in a criminal trial, state the rules as to the contents of a charge. When and how alternations or additions can be made to a charge. What steps should the court take following the alternations or additions to the charge? (12.5)

OR

- Q.3 Briefly explain the circumstances in which a criminal case is disposed of without full trial. (12.5)

UNIT - II

- Q.4 Discuss the procedure to be followed by the Magistrate in a trial in a warrant case instituted otherwise than on police report. (12.5)

OR

- Q.5 Explain the procedure to be adopted with special features in case of trial of Summons case. In what respects trial of summon case is different from trial of warrant case. (12.5)

UNIT - III

- Q.6 Explain briefly the powers of a court of revision, and the general principles to be followed while exercising these powers. (12.5)

OR

- Q.7 (a) Powers of the High Court and session court in respect of transfer of cases. (12.5)
(b) Provision as to accused persons of unsound mind.

UNIT - IV

- Q.8 What is the objective and significance of making provisions in Cr.P.C for maintenance of certain persons? Explain the rules regarding fixation of monthly rate of allowance for maintenance? Can such monthly rate of allowance be altered? If so, under what circumstances? (12.5)

OR

- Q.9 What are the circumstances in which, the person by whom, and the courts to which, an appeal can be presented against any sentence on the ground of its inadequacy? What are the powers of the appellate court in disposing of such on appeal? What are the rights of accused person in defending himself in such on appeal? (12.5)

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SUPPLEMENTARY EXAMINATION

SIXTH SEMESTER [LLB] SEPTEMBER-2013

Paper Code: LLB-306

Subject: Code of criminal Procedure - II

Time : 3 Hours

Maximum Marks :75

Note: Part A is compulsory. Attempt any one question from each unit in Part B.

PART-A

Q1

- "A person once convicted or acquitted not to be tried for the same offence". Explain.
- Illegality vitiates trial whereas irregularity does not unless it results in prejudice to the accused. Explain.
- Discharge of an accused.
- Discuss the scheme for victim compensation in view of the Code of Criminal Procedure (Amendment) Act, 2008. Distinguish between compensation and fine.
- Discuss about post conviction orders.

(5x5= 25 marks)

PART-B

Q2. 'For every distinct offence for which any person is accused there shall be a separate charge and every such charge shall be tried separately'- Comment. Is there any exception to this general rule?

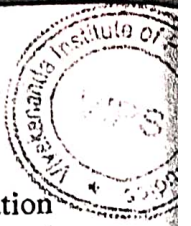
OR

Q3. What are the considerations to be followed by the public prosecutor while filing an application for withdrawal from prosecution? What is the locus standi of an opposition leader to challenge an order granting permission for withdrawal from prosecution? Cite relevant case laws.

(12.5 marks)



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Q4. Critically analyse the power of the appropriate Government for Commutation of Sentence and the statutory restriction on the powers of Remission and Commutation of Sentence. Discuss with reference to the Constitutional powers of the President and the Governors in view of the judgment in *Devinder Pal Singh Bullar v. State of NCT of Delhi*, (2013) 6 SCC 195.

OR

Q5. "The special reasons u/s 354 (3) Cr.P.C is not exercised by the trial courts and the appellate courts properly". Examine this statement in view of the recent judgments of the Supreme Court.

(12.5 marks)

Q6. Discuss the Revisional Power of the High Court. Is a revision maintainable against an interlocutory order? Discuss with case laws.

OR

Q7. Discuss the procedure for transfer of cases by the Supreme Court and the High Court. Cite relevant case laws.

(12.5 marks)

Q8. Discuss the law relating to grant of conditional pardon to any person accused of any offence. If the person to whom conditional pardon has been granted failed to comply with the conditions, what action can be taken against him?

OR

Q9. X committed an offence u/s 326 IPC against Y. X and Y compounded the matter out of court. Whether a person can compound a non compoundable offence under any provision of Cr.P.C? Discuss with case law.

(12.5 marks)



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MERCY CHANCE EXAMINATION

SIXTH SEMESTER [LLB] JULY-2013

Paper Code: LLB306

Subject: Criminal Procedure Code-II

(Batch: 2004)

Time : 3 Hours

Maximum Marks :75

Note: Attempt any six questions including Q.no.1 of Part-A, which is compulsory.

PART-A

- Q1 Write short notes on the following:- (5x5=25)
- Distinguish between Warrant Cases and Summons Cases.
 - Compensation to the accused where the accusation against him was found to be made without reasonable ground.
 - Framing of charge.
 - Autre fois acquist and autre fois causes.
 - Sentence of death.

PART-B

- Q2 Explain the procedure to be followed by a court of session in warrant case coming before it for trial under Cr.P.C.. (10x5=50)
- Q3 Explain the procedure to be followed by the Magistrate in trial of Warrant case instituted on a police report.
- Q4 In respect of what offences and by whom can a criminal trial be conducted in Summary way?
- Q5 Briefly explain the rules regarding compounding of offences. Substantiate your answer with help of case law.
- Q6 Explain the form and contents of a judgement in criminal trial. Under what circumstances a judgement may be recorded in an abridged form?
- Q7 Under what circumstances an appeal from an order of conviction lies to court of session and High Court?
- Q8 Explain the power of the High Court and of the Session Judge in respect of transfer of cases? What principles are to be followed while expressing these powers?
- Q9 Critically examine the power of the Supreme Court to transfer criminal cases. Elucidate your answer with help of case law.



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