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| <b>Name:</b>         | <br><b>UPES</b><br>UNIVERSITY WITH A PURPOSE |
| <b>Enrolment No:</b> |  |

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, December 2019**

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| <b>Course: Comparative Criminal Procedure (Hons.2) Criminal Law</b> | <b>Semester: VII</b>   |
| <b>Program: BA.LLB (HONS.) Criminal Law, 2016</b>                   | <b>Time: 03 hrs.</b>   |
| <b>Course Code: LLBL 435</b>  | <b>Max. Marks: 100</b> |

**Instructions: All questions are compulsory.**

**SECTION A**

| S. No. |   | Marks | CO    |
|--------|---|-------|-------|
| Q 1.   | Define the following terms:<br>a. Arraignment<br>b. Public prosecutor<br>c. Grand jury Indictment   | 3x2=6 | 3     |
| Q 2.   | Fill in the blanks:<br><br>a. _____ summons the Jury in the U.K for the purpose of jury trial.<br>b. Section _____ of Criminal procedure code provides for the Provision of Probation.<br>c. _____ Amendment provides for the Right to speedy trial in U.S.A<br>d. All _____ offences are tried by the crown court. | 1x4=4 | 1 & 4 |

**SECTION B**

**Answer any four questions provided below:**

|      |  |    |   |
|------|--|----|---|
| Q 3. | What is pre-sentence investigation? What are the factors which has to be considered by the court in U.S.A while imposing a sentence? | 5  | 2 |
| Q 4. | Explain the trial procedure in U.S.A and grand jury hearing.   | 10 | 3 |
| Q 5. | Discuss the advantages and disadvantages of inquisitorial system of justice.   | 5  | 1 |
| Q 6. | How is probation different from parole?  | 5  | 1 |

**SECTION-C**

**Answer any two questions provided below:**

|      |   |           |          |
|------|---|-----------|----------|
| Q 7. | Analyze the powers of police regarding arrest, stop and search in England in the light of provisions provided under the Police and Criminal Evidence Act, 1984 (PACE ACT) | <b>10</b> | <b>2</b> |
| Q 8. | Make a comparative analysis of charging procedure followed in U.K and India.  | <b>10</b> | <b>2</b> |
| Q 9. | Evaluate the police powers in India provided under the Code of Criminal procedure,1974  | <b>10</b> | <b>1</b> |

**SECTION-D**

Q.10 Read the following judgement and then answer the question provided below:

On March 2, 1963, Patricia McGee (not her real name) was kidnapped and raped while walking home after work in Phoenix, Arizona. She accused Ernesto Miranda of the crime after picking him out of a lineup. He was arrested and taken to an interrogation room where after three hours he signed a written confession to the crimes. The paper on which he wrote his confession stated that the information was given voluntarily and that he understood his rights. However, no specific rights were listed on the paper.

Miranda was found guilty in an Arizona court based largely on the written confession. He was sentenced to 20 to 30 years for both crimes to be served concurrently. However, his attorney felt that his confession should not be admissible due to the fact that he was not warned of his right to have an attorney represent him or that his statement could be used against him. Therefore, he appealed the case for Miranda. The Arizona State Supreme Court did not agree that the confession had been coerced, and therefore upheld the conviction. From there, his attorneys, with the assistance of the American Civil Liberties Union, appealed to the US Supreme Court.

|  |           |                  |
|--|-----------|------------------|
| Decide and Evaluate the importance of the above case law in the light of the constitution of U.S.A with highlighting the powers of the police of Arrest and Search under the United States Code.   | <b>25</b> | <b>3</b>         |
| Q.11. Sutherland states that probation is a “status of convicted offender during a period of suspension of sentence in which he is given liberty conditioned on his good behaviour and in which the State by supervision, attempts to assist to maintain good behaviour.”<br><br>In the light of above statement make a comparative analysis of the law relating to probation in U.S.A, U.K and India. | <b>25</b> | <b>1 &amp; 3</b> |

