

Name: Enrolment No:	
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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2022

Course: Law of Crimes II – Code of Criminal Procedure, 1973

Semester: 3rd Sem

Program: LL.B

Course Code: CLCC2003

Time : 03 hrs.

Max. Marks: 100

Instructions:

1. Answer all the questions from each section.
2. Figures to the right indicate marks.
3. Write Legibly.

SECTION A
(5Qx2M=10Marks)

S. No.	Questions	Marks	CO
Q 1	Define bailable offence and how does it differ from cognizable offence under CrPC, 1973.	2	CO1
Q 2.	What is meant by 'Revision' and how does it differ from 'Reference'?	2	CO1
Q 3.	Write a note on FIR under CrPC, 1973.	2	CO1
Q 4.	Define Public Nuisance under the provisions of CrPC, with illustrations.	2	CO1
Q 5.	Examine the constitutional perspective of 'fair trial' and its relevance in CrPC.	2	CO1

SECTION B
(4Qx5M= 20 Marks)

Q 6.	Discuss provisions relating to Plea Bargaining. When Plea Bargaining cannot be an option for an accused as per the provisions of Criminal Procedure Code, 1973.	5	CO2
Q 7.	Whether Magistrate has power to take cognizance of an offence under CrPC, 1973? Can a Magistrate take cognizance twice and when a Magistrate may refuse take cognizance of an offence?	5	CO2
Q 8.	<i>"The public order is to maintain the peace and tranquility which is needed by an ordinary citizen for obeying the law of the land. It is great concern and responsibility of all government and all states"</i> . Based on the above	5	CO2

	statement, critically evaluate Maintenance of Public Order and Tranquility. Why does the Code include the provision on maintenance of Public Order and Tranquility?		
Q 9.	<p>One person was travelling from Nanda Ki Chowki towards Chakrata in his motorcycle. Near Tula's Institute the vehicle met with an accident and caused grievous hurt to a pedestrian. Without looking at the victim, the accused fled away from the scene. Fortunately, the entire accident was completely recorded in the CCTV Camera near the accident zone. Based on this electronic evidence as well as eyewitnesses, the Chief Judicial Magistrate try to issue an arrest warrant.</p> <p>In the light of the above facts, critically analyze and explain the procedures as well as provisions relating to warrant cases under CrPC, 1973 & how does it differ from summons cases.</p>	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10.	<p>Write a short note on the following:</p> <p>a). Explain the provisions relating to 'Judgment' under CrPC, 1973 and how does it differ from 'award'.</p> <p>b). When does the Court of Session deliver death sentence and how does the High Court confirm the death sentence?</p>	10	CO3
Q 11.	<p>Miss. X was brutally insulted of her femininity in public place by one Mr. Y, who also attempted acid attack on her face. She approached the officer in charge of a police station and narrated the incident.</p> <p>– Based on her complaint (written or oral), being the officer in charge of a police station, the station house officer (SHO) drafts an FIR,</p> <p>a. What are the necessary things needs to be incorporated in the FIR Copy?</p> <p>b. Who can be an Officer In-charge of the Police Station and Investigation officer?</p>	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12.	<p>The importance of hierarchy of courts, in reference to the '<i>Sadar Diwani Adalat</i>' and '<i>Sadar Nizamat Adalat</i>', in line with the order of courts in which they sit, with the highest court in the top and the lowest court at the bottom to provide justice. If either of the aggrieved party is not accepting the judgment of the lower court or expecting a better decision, irrespective of being convicted or acquitted, a person can approach the higher court to get better remedy and get justice in India.</p> <p>In one of the landmark judgments in the history of the Indian Judiciary, the Sessions Judge disagreed with the jury verdict of 'not guilty' on both</p>	25	CO4

	<p>the charges by a majority of 8: 1, as in his view, no reasonable body of men could bring that verdict on the evidence and referred the matter to the High Court under section 307 of the Code of Criminal Procedure.</p> <p>In the light of the above fact and statement, critically examine the hierarchy of Criminal Courts in India and the role of Chief Judicial Magistrate. What sort of cases are heard before Criminal Courts and how does it differ from civil matters, explain with case laws?</p>		
Q 13.	<p>In a landmark judgment, it was held that an accused who has been granted bail cannot be taken into police custody for further investigation unless bail is cancelled. If the accused is released on bail for bailable offence and if later non-bailable offence is added, then police can arrest the accused without seeking cancellation of order of bail.</p> <p>Similarly, a person who is already in Police Custody for an offence or when there are allegations against him of committing the same, can try for bail; or when the person strongly believes that he may be arrested on an accusation of having committed cognizable offence. Hence, the person has the option not to go for jail but face the criminal trial from outside jail. The Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on condition”.</p> <p>In the light of the above fact and statement,</p> <ol style="list-style-type: none"> 1. What is meant by transit bail and how does bail differ from the concept of parole? 2. Critically evaluate the provisions relating to different types of bail and bail bond with relevant cases under CrPC, 1973. 3. What are the necessary factors the Court must consider before granting bail, with relevant cases? 	25	CO4