

Administrative Training Institute
Government of West Bengal

Half Yearly Departmental Examination For Officers of the W.B.C.S (Executive)

Law Paper - I (Criminal Law And The Law Of Evidence)

(Without Books)

May 2012

Time Allowed - 3 hours

Full Marks - 100

Pass Marks - 50

Answer any **four** questions from **Group - A**

and any **two** from the **Group – B**

Group - A

1. Answer **any five** of the following:-

- (a) Offences
- (b) Bailable and non-bailable offence
- (c) Metropolitan Area
- (d) Complaint
- (e) Investigation
- (f) Officer-In-Charge of a Police Station

5x4=20

2. Write short notes on:-

- (a) Document
- (b) Hostile Witness
- (c) Facts
- (d) Evidence

4x5=20

3. (a) Define Admission. What kinds of admission are admissible in evidence?

(b) State whether an admission by the Public Prosecutor, relieve him, to prove the prosecution case?

(c) In a civil proceeding a party produced documents containing admission by his opponents Counsel which is clear and unambiguous. Is such admission a substantive evidence?

10+5+5=20

4. (a) What is Dying Declaration? What is the evidentiary value of a Dying Declaration? What are the essential conditions on which it is admitted in evidence? If person making a dying declaration happens to live, is such statement be accepted as a dying declaration?

(b) Ram and five other persons were charged for committing an offence of attempt to murder of a person, Ram was seriously injured, while being arrested, made before his death as to how the attempt to murder was committed and who had taken active part to seriously assault the victim. Is the dying declaration admissible in evidence against other persons during trial? 15+5=20

5. Which section of the Indian Evidence Act:-

(a) Deal with admissibility of Electronic Records?

(b) When a Computer output be treated as a document?

(c) What are the Conditions required to make computer output admissible without further proof or production?

(d) A CD containing an interview of a victim in a T.V. channel is a document? Give reasons.

(e) Investigating officer recorded statement of accused by video cassette regarding concealment of stolen property, to what extent the statement is admissible?

4+4+4+4+4=20

6. Under what circumstances can a court while convicting an accused order him to furnish security for keeping peace. Discuss with reference to relevant sections of Cr.P.Code. 20

Group – B

7. State the provisions of the Essential Commodities Act 1955, relating to Confiscation of essential Commodity. 10

8. (a) State the procedure for appointment of Special judges under the Prevention of Corruption Act, Jurisdiction and powers.

(b) Has the Special Judge any power to try summarily an offence committed by a public servant? 5+5=10

9. (a) What would be the presumption when public servants accepts gratification other than legal remuneration? explain.

(b) Is the Court empowered to take Cognizance of an offence punishable under section 7,10,11,13 and 15 of the Prevention of Corruption Act 1988 alleged to have been committed by a public servant where no prior sanction for prosecution was granted? Answer with reference to section. 5+5=10