JSM – 19/2

Procedural Law

Time : 2½ hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **two**
questions from each Section.*

SECTION – A

1. (a) Define the terms 'Information' and 'First
   Information Report' and compare them with
   the term 'Complaint'.   5

   (b) What are the provisions relating to Public
   Prosecutors under the *Criminal Procedure
   Code, 1973* ?   5

   (c) Describe the kinds of punishment and state
   the powers of various courts to punish.   5

   (d) What powers of control have Sessions
   Courts over subordinate courts ?   5

   (e) Is a private person bound to assist a police
   officer ? If so, when ?   5

TB – 2/5   (Turn over)

2. (a) State the obligation of persons to allow search under the provisions of *Criminal Procedure Code, 1908*. What safeguards have been provided for fair conducting of search ? 5

   (b) A Sub-Divisional Magistrate without holding inquiry passes an order requiring a person to furnish security for good behaviour and directs that in default he shall suffer rigorous imprisonment for two years. Discuss the legality of the above order. 10

   (c) Describe, in brief, the procedure relating to rejection and discharge of surety. 10

3. (a) How can a wife who has been abandoned by her husband to compel him to maintain her ? How does the criminal court enforce its order of maintenance ? 15

   (b) Whether any alternation in the allowance of maintenance can be made ? 5

   (c) What are the powers of a Magistrate in dispersing unlawful assemblies ? 5

4. (a) Under what circumstances can a Magistrate take action for the removal of a public nuisance and which Magistrates are competent to take such action ? 15

(b) Mr. B comes to know that Mr. A intends to shoot Mr. C next day in Connaught Place at 8 : 00 AM. Thereon Mr. B informs the police about it. The following day Mr. A is arrested by a Police Officer in the same place a few minutes before 8 : 00 AM and on searching him, a fully loaded pistol is found in his possession. Consider the legality of the action taken by the Police Oficer ? 10

SECTION – B

5. (a) Explain the principle of *Res Gestae*. 5

(b) Explain the facts showing existence of state of a mind, or of a body, or bodily feeling. 10

(c) Explain 'Admission'. Explain as to how and when an admission is relevant in civil case.

5

(d) Explain the difference between 'Confession' and 'Admission'. 5

6. (a) Explain the cases in which statement of a relevant fact by person who is dead or cannot be found, etc., is relevant. 15

   (b) Whether in criminal cases previous good character is considered relevant or not ? 10

7. (a) When the language used in the document is, on its face, ambiguous and defective ? Can that document be amended or not ? 10

   (b) When 'abetment of suicide' by a married woman is presumed by the court ? 15

8. (a) Explain the principle of Estoppel. Explain, in detail, the relief against government under promissory estoppels. 10

   (b) A lunatic is competent to testify or not ? 5

   (c) Who is an 'Accomplice' ? Is an accomplice competent to give witness against an accused person ? 10

SECTION – C

9. (a) Is there any presumption regarding a foreign judgment ?   5

   (b) What are the circumstances in which a foreign judgment is not conclusive ?   5

   (c) Under what conditions can a suit be stayed ?   5

   (d) What is meant by the inherent powers of the court ?   5

   (e) Is *res judicata* a rule of substantive law or a rule of procedure ?   5

10. (a) Write short note on 'Summons'.   15

   (b) What do you understand by 'Defence' ? Is there any form of defence provided in **Civil Procedure Code, 1908** ?   10

11. (a) When and how a judgment is pronounced and signed ?   10

   (b) Define 'Decree' and state its essential elements.   15

12. (a) What is meant by Equitable Execution ? Illustrate your answer with suitable examples.

10

(b) Explain the procedure of sale of property attached in execution of a decree. 10

(c) What do you understand by 'Rateable Distribution' ? Illustrate it with suitable examples. 5

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