

**FIVE YEAR LL.B. (HONOURS) DEGREE EXAMINATION, NOVEMBER 2023****Fifth Semester****FL 14—LAW OF CRIMES—Paper II—CRIMINAL PROCEDURE CODE****(Common to B.A., LL.B. (H), B.Com., LL.B. (H) and B.B.A., LL.B. (H))****(2020 Admissions—Regular/2018 and 2019 Admissions—Supplementary)****Time : Three Hours****Maximum : 75 Marks****Part A***Write short notes on any five of the following.**Each question carries 3 marks.*

1. Cognizable and non-cognizable offences.
2. First Information Report.
3. Judicial control over police investigation.
4. Anticipatory bail.
5. Conditions for granting maintenance u/s 125 of Cr.P.C.
6. Dispersal of unlawful assemblies.

**(5 × 3 = 15 marks)****Part B***Answer any three of the following problems.**Each question carries 10 marks.*

7. 'X', a minor girl aged 16 years, is kept by 'Y', a man aged 30 years, as wife. Examine whether the parents of 'X' can seek a search warrant from the court under provisions of Code of Criminal Procedure.
8. During investigation of a murder case, the police examined all witnesses and suspects. From the information elicited from the suspects, police concluded one among them to be the accused and submitted the final report confirming the commission of the crime. During trial, defence counsel argues that section 161 is titled as "Examination of witnesses by police" and therefore examination of accused by police was illegal. Comment.

**Turn over**

9. A person who committed a cognizable offence under the Customs Act was arrested by the Customs Officer and produced before the Magistrate with an application for remand to Judicial custody under Section 167 of Cr. P.C. The APP in charge of the Court submits that production of an accused before the Magistrate and his remand to police or judicial custody by the Magistrate under Section 167 Cr. P.C., can be had only in a case where the accused has been arrested and produced before the Magistrate by a Police Officer and not by a non-police officer. Examine the correctness of the above objection by the APP.
10. 'P' is the head of an investigating team in a case of abduction for ransom. 'P' has close ties with the absconding culprits. The concerned Magistrate who comes to know of this fact uses his power under section 156 (3) of Cr. P.C to stop 'P' from investigating the case and further hands over the investigative duties to Central Bureau of Investigation (CBI). Comment on the legality of the Magistrate's orders.

(3 × 10 = 30 marks)

### Part C

*Answer any two of the following questions.*

*Each question carries 15 marks.*

11. Compare and contrast the principal features of the accusatorial and inquisitorial systems of criminal procedure. To which family does the Indian Criminal Justice System belong? Give reasons for your answer.
12. What is 'arrest'? What are the circumstances under which arrest of a person becomes necessary? Explain the procedure for arresting a person in the light of Supreme Court guidelines. What are the rights available to an accused on arrest in India? Critically evaluate the effectiveness of these rights. Is it lawful for a police officer to arrest any person on mere suspicion of commission of an offence?
13. What is a Charge? What are the contents of a Charge? What is the effect of errors in a Charge? Explain the principle of separate charges for distinct offences. Are there any exceptions? Under what circumstances charges can be framed jointly?

(2 × 15 = 30 marks)