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19 (Sem-III) CPC 3-2

2016

CRIMINAL PROCEDURE CODE

Paper : 3-2

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with correct options/
choose *True or False*. 1×10=10
 - a. The Code of Criminal Procedure, 1973
came into force on 1st day of April,
..... (1973/1974).

Contd.

- b. An Assistant Session judge may pass any sentence authorized by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years. (True/False)
- c. Section of the Cr. P. C resembles with the writ of habeas corpus(32/96/97).
- d. A High Court or Court of Sessions may direct that any person who has been released on bail under Chapter XXXIII be arrested and commit him to custody. (True/False)
- e. Under Section Magistrate may dispense with the personal attendance of the accused and permit him to appear by his pleader. (205/206)
- f. In every trial before a Court of Sessions, the Prosecution shall be conducted by a Public Prosecutor. (True/False)

- g. Where the examination of the President or the Vice-President of India as a witness is necessary for the ends of justice, a commission shall be issued for the examination of such a witness. (True/False)
- h. Section 304 of Cr.P.C. deals with (protection to accused against double prosecution for the same offence/ legal aid to accused at state expenses in certain cases.)
- i. If a Woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed only. (True/False)
- j. Chapter XXIX of the Code provides the provisions of (Appeals/ Revisions).

2. Write short notes on : $2 \times 5 = 10$

- a. Provision relating to security for good behavior from suspected persons.
- b. FIR
- c. Public prosecutor
- d. Trial for giving false evidence (Sec-344 of Cr.P.C.)
- e. Issue of warrant for the execution of sentence

3. What are the different classes of Criminal Courts? Discuss the powers and jurisdiction of various criminal courts. $2+10=12$

Or

Explain under what circumstances a magistrate can take action for removal of public nuisances. 12

4. When a person is declared absconder? Discuss the following in connection with the provision of proclamation and attachment : $2+6+4=12$

- a. Procedure for publication of proclamation for person absconding.

b. Attachment of property of person absconding.

Or

Discuss the law relating to recording of Confessions and statements under Section 164 of the Code of Criminal Procedure, 1973.

5. What is a Charge? Describe the contents of a Charge. What do you understand by Joinder of charges? $2+6+4=12$

Or

'Where the proceeding has been instituted on a police report the Magistrate shall without delay furnish to the accused, free, of cost, copy of police report and other documents'.

Discuss the above provision of law. Explain the procedure to be followed when there is a complaint case and police investigation in respect of the same offence. $6+6=12$

6. What do you understand by 'Autrefois acquit' and 'Autrefois convicts' ?

Discuss how the above principle has been dealt with in section 300 of the Code of Criminal Procedure. $4+8=12$

Or

Write an exhaustive note on the concept of plea bargaining. 12

7. Write brief notes on the following aspects of law relating to transfer of Criminal Case.

$6+6=12$

- a. Power of Supreme Court to transfer cases and appeals
- b. Power of High Court to transfer cases and appeals

Or

What do you mean by appeal? Discuss the procedure of appeal in case of acquittal from charge. Distinguish between Appeal and Revision. $2+5+5=12$