

2018

CRIMINAL PROCEDURE CODE

Paper : 3-2

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer : $1 \times 10 = 10$
- (a) For appointment of Public Prosecutor the required period of practice is not less than _____ years. (five/seven)
 - (b) 'Cognizable offence' is defined under section _____ of the Code of Criminal Procedure. (2(b)/2(c))
 - (c) The Court of Executive Magistrate is constituted under section _____ of Criminal Procedure Code. (11/20)
 - (d) Public Nuisance is found in Chapter X of the Code of Criminal Procedure. (True/False)
 - (e) An order under section 144 of Criminal Procedure Code can be promulgated by District Magistrate. (True/False)

Contd.

- (f) Under section _____ Magistrate may dispense with the personal attendance of the accused and permit him to appear by his pleader. (205/206)
- (g) Attachment of property of a person absconding can be ordered under section _____ of the Code of Criminal Procedure. (82/83)
- (h) The concept of Plea Bargaining has been inserted under sections _____ of the Criminal Procedure Code. (260-265/265A-265L)
- (i) Compoundable offences are enumerated in section _____ of the Code of Criminal Procedure. (319/320).
- (j) Under the Code of Criminal Procedure 1973, the Revisional jurisdiction is conferred on _____ (both High Court and Court of Sessions/High Court only)

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

- (a) Constitution of Criminal Courts
- (b) Any two differences between enquiry and trial
- (c) Grounds for cancellation of award of maintenance
- (d) Public Prosecutor
- (e) Anticipatory Bail.

3. Discuss under what circumstances a Magistrate can take action for removal of public nuisances. 12

Or

Write an exhaustive note on the procedure to be followed by a Magistrate while taking security for keeping the peace and for good behaviour on conviction and security for keeping the peace in other cases. 12

4. When may police arrest a person without a warrant? Write about the rights of arrested person with its consequence of non-compliance with the provisions relating to arrest. $6+6=10$

Or

What are different kinds of bail? Which courts are empowered under the Criminal Procedure Code for direction to release the person seeking anticipatory bail? Discuss in detail. $4+8=12$

5. What is complaint? What is the procedure to be adopted by Magistrate taking cognizance of an offence on complaint? $4+8=12$

Or

What is a charge? Explain the principle of separate charges for distinct offences. Discuss the provisions under Criminal Procedure Code relating to joinder of charges.

6. Give an account of the procedure of trial before a Court of Sessions. 12

Or

Discuss, in detail, the procedure of summary trials. 12

7. What do you mean by Appeal? Explain the circumstances in which the case of appeals of a convicted person do not lie or cannot be preferred. What are the circumstances in which an appeal shall lie to the Supreme Court, High Court and Sessions Court? 2+5+5=12

Or

Write notes on: 6+6=12

(a) Revisional power of High Court

(b) Power of High Court to transfer cases and Appeals