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21 (7) CRPC 7·2

**2020**

( Held in 2021 )

**CRIMINAL PROCEDURE CODE**

Paper : 7·2

Full Marks : 56

Time : 2½ hours

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

**GROUP-A**

1. Choose the correct answer : 1×4=4

(i) Territorial Division of Criminal Courts are provided under \_\_\_\_\_ of the Criminal Procedure Code.

[section 7/section 8]

(ii) Under \_\_\_\_\_ Magistrate may dispense with the personal attendance of the accused and permit him to appear by his pleader. [section 205/section 206]

Contd.

(iii) Section \_\_\_\_\_ of the Cr.PC resembles with the writ of habeas corpus. [32/96/97]

(iv) If a person confined or detained in a prison should be brought before the court for answering to a charge of an offence for the ends of justice but in certain contingencies under \_\_\_\_\_ officer-in-charge of the Prison may abstain from carrying out order of the court. [section 267/section 269]

2. Write short notes on : 2×2=4

(i) Non Cognizable offence

(ii) Revision.

3. Explain First Information Report and its evidentiary value in the trial of an accused person. Do you consider information to police regarding commission of an offence through a telephone call just after the occurrence to be First Information Report ? Give reasons. 10

**Or**

What is complaint ? Elucidate the conditions requisite for initiation of proceedings before Magistrate ? How a complaint is examined and the proceeding commences ? 10

4. What are different kinds of trial ? Which courts are empowered under the criminal Procedure Code for direction to release the person seeking anticipatory bail? Discuss. 10

**Or**

What do you mean by Appeal ? Discuss the procedure of appeals in case of acquittal from charge. Distinguish between Appeal and Revision. 2+5+3=10

**GROUP-B**

5. Answer the following : 5+5=10

- (i) What are the rights of the arrested person under Criminal Procedure Code?
- (ii) When bail shall be refused in non-bailable offence ?

**Or**

- (i) What are duties of the Executive Magistrates in preventing breach of peace and to maintain public tranquillity ?
- (ii) What can Executive Magistrate do to prevent breach of peace in dispute concerning land or water ?

6. Answer the following : 5+5=10

- (i) Is a defective 'charge' necessarily fatal to conviction ? Explain.
- (ii) Discuss the guiding principles for grant of bail in non-bailable offences.

**Or**

- (i) When can a court make an order for compensation to victim of crime ?
- (ii) Can there be an appeal if the accused pleads guilty ? Where does an appeal lie in case of an acquittal ?

7. Write short notes on : **(any two)** 2×4=8

- (a) Importance of section 313 of Cr.PC.
  - (b) Evidentiary value of statements recorded under section 161 of Cr. PC.
  - (c) Can a Court alter the charge ?
  - (d) Inherent power of High Court.
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