

**HIGH COURT OF TRIPURA
MAIN WRITTEN EXAMINATION FOR DIRECT RECRUITMENT TO
GRADE-III OF TRIPURA JUDICIAL SERVICE, 2024**

LAW PAPER-II

**Total Marks: 100
Duration: 3 hours**

UNIT-I (Code of Criminal Procedure)

Answer any 4 out of the 5 questions given below. Each question carries 5 marks.

(4x5=20 marks)

1. In the year 2022, Miss Tanu, staying with her parents, got an order of maintenance of Rs. 5,000 per month under Section 125 of Cr.P.C from the Court of the Judicial Magistrate First Class. When this order of maintenance was passed, Tanu was a final year student of B.A.-LL.B. Her husband, the respondent, is a famous doctor in the city. The respondent has been regularly paying the maintenance amount to the petitioner through the bank account.

Tanu's parental family includes mother, father and an unemployed younger brother.

Tanu is a education pursuing woman and finds that the awarded maintenance allowance is not sufficient to meet her needs.

Suggest the relevant provisions of Cr.P.C under which an application can be made for alteration in maintenance allowance.

Also discuss the safeguards for the respondent as provided in Cr.P.C. Mentionable that no other kind of proceeding is pending between both the parties.

2. A physically-disabled woman is being stalked by a man of the same locality where the woman resides with her parents. She decides to lodge an F.I.R against the man.

Suggest the safeguards provided to this woman for the purpose of lodging the F.I.R. If the mother of the victim intends to lodge the F.I.R on behalf of the victim, whether she can also have the privilege of those safeguards.

3. What do you mean by the word "**Remand**" and what are its kinds? What are the provisions for granting remand after cognizance of the case is taken by a Judicial Magistrate? Explain with the relevant provisions.

4. A Court of Judicial Magistrate First Class takes cognizance of a case and frames charges against two accused persons. In the course of trial, it appears from the evidence, that another person, not being the accused, is also involved in the offence.

What steps the Court should take? Discuss the provisions supported by case laws.

5. Enumerate the conditions a Court can impose under Section 437(3) of Cr.P.C at the time of granting bail in case of non-bailable offences.

Answer any 2 out of the 3 questions given below. Each question carries 2.5 marks

(2x 2.5= 5 marks)

6. In a criminal trial after the argument of both sides, the Court fixes the date for judgment. During the preparation of judgment, the Court finds that a vital document (injury report of victim) has not been exhibited by the doctor.

Whether the Court, at this stage, may summon the doctor as a witness? Mention the relevant provision.

7. Discuss Section 41 (A) of Cr.P.C.
8. "On the death of the accused person, every appeal shall finally abate". What are the exceptions to it? Discuss in light of relevant provisions of the Cr.P.C.

UNIT-II (Indian Penal Code)

Answer any 4 out of the 5 questions given below. Each question carries 5 marks.

(4x5= 20 marks)

1. When does the right of private defense of property commence and how long it continues? When does this right extends to causing death?
2. Mr. X is a charged with offence of cruelty against his wife. During the trial, he has been granted bail by High Court with the condition to remain present before the Court on every date fixed during the trial. After being released, Mr. X is not complying with the conditions of bail without sufficient cause.

Examine the offence Mr. X has committed by not complying with the conditions of the bail. Also examine who has the burden to prove the sufficient cause.

3. What is the distinction between Section 76 and Section 79 of the IPC?

4. Enumerate the ingredients of the offence under Section 361 of IPC. Explain the words 'taking or enticing' with examples.
5. A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. What offence A has committed? Explain with relevant provisions.

Answer any 2 out of the 3 questions given below. Each question carries 2.5 marks.

(2x 2.5= 5 marks)

6. A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money.

Whether A has committed any offence or not? Explain.

7. When a property is designated as a stolen property? Explain with relevant provision.
8. What is solitary confinement and what are its limitations? Answer with relevant provisions.

UNIT-III (Evidence Act)

Answer any 4 out of the 5 questions given below. Each question carries 5 marks.

(4x5= 20 marks)

1. The question is, whether X was raped.

Whether the fact that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which, and the terms in which, the complaint was made are relevant or not. Discuss with reference to relevant provision.

2. Write a brief note on opinion of Examiner of Electronic Evidence.
3. Mr. X, Manager of a bank, is a witness of prosecution in a trial of an offence of criminal breach of trust. During the examination as witness, the Prosecution side intends to contradict him.

Discuss the steps to be followed by the Presiding Officer.

4. Discuss the power given to a Court under Section 148 of the Indian Evidence Act.
5. Define the word 'Evidence'. Discuss Primary and Secondary evidence with illustrations.

Answer any 2 out of the 3 questions given below. Each question carries 2.5 marks.

(2x 2.5= 5 marks)

6. What is "Hearsay Evidence"? What are the exceptions to it?
7. Write a note on presumption as to dowry death.
8. What are the conditions for a Judge or Magistrate to be examined as a witness in the Court?

UNIT-IV (Tort)

Answer all 5 questions. Each question carries 5 marks.

(5x5= 25 marks)

1. "*Qui facit per alium facit per se*". Explain this maxim with case law.
2. Whether personal tort actions can lie between spouses. Discuss.
3. What do you mean by No Fault Liability? Discuss with relevant laws as applicable in India.
4. What is Contributory Negligence? How is it different from Composite Negligence?
5. Discuss in brief the liability of Joint Tort Feasors.