

Roll NO.

CODE: JSHP-23-M-ENGCOM

ENGLISH COMPOSITION

समय : 3 घंटे

Time Allowed : 3 Hours

अधिकतम अंक : 150

Maximum Marks : 150

प्रश्नपत्र के लिए विशिष्ट अनुदेश

निम्नलिखित प्रत्येक अनुदेश को, प्रश्नों के उत्तर देने से पहले ध्यानपूर्वक पढ़िए :

1. इस प्रश्नपत्र में 2 प्रश्न हैं। सभी प्रश्नों के उत्तर अनिवार्य हैं।
2. परीक्षार्थी प्रश्न/प्रश्न के भाग के उत्तर खंड में दिए गए निर्देशों के अनुसार ही दें।
3. प्रत्येक प्रश्न/प्रश्न के भाग के अधिकतम अंक उसके सामने अंकित हैं।
4. प्रश्न/प्रश्न के सभी भागों के उत्तर प्रश्न-सह-उत्तरपुस्तिका में उसके नियत स्थान पर लिखिए, प्रश्नों/प्रश्नों के भागों के उत्तर क्रमानुसार गिने जाएँगे।
5. यदि उत्तर काटा नहीं गया है तो आंशिक उत्तर देने पर भी उसे गिना जाएगा, यदि प्रश्न-सह-उत्तरपुस्तिका में प्रश्न/प्रश्न के भाग के लिए निर्धारित पृष्ठ या पृष्ठ के भाग को खाली छोड़ा गया है तो उसे लकीर खींचकर काटना आवश्यक है।
6. प्रश्नों के उत्तर स्पष्ट, सुपाठ्य रूप में दें, उत्तर की शब्द-सीमा का भी ध्यान रखें।
7. उत्तरपुस्तिका के पुनर्मूल्यांकन / पुनःजांच कि अनुमति नहीं है।

QUESTION PAPER SPECIFIC INSTRUCTIONS

Please read each of following instruction carefully before attempting questions.

1. This question paper contains 2 questions. All questions are compulsory.
2. Candidates should attempt question/parts as per the instructions given in the section.
3. The number of marks carried by the question/part is indicated against it.
4. All parts of a question shall be attempted at the place designated for them in the Question-cum-Answer Booklet. Attempts of parts/ questions shall be counted in sequential order.
5. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
6. Candidates are required to write clear, legible and concise answers and to adhere to word limits, wherever indicated.
7. Re-Evaluation/ Re-checking of answer book are not allowed.

1. Translate the following Hindi passage into English :

(50 Marks)

इसमे कोई भी आश्चर्य नहीं है कि पढ़े लिखे लोग नौकरी छोड़ कर जैविक खेती करने लगे हैं । आज का किसान भलीभांति जानता है कि खेत-खलिहान से संबंधित समस्याओं का ऑनलाइन समाधान कैसे ढूँढना है । आज भारत में कुशलता से कृषि में डिजिटल तकनीक का समावेश हो रहा है । यूट्यूब पर सामान्य किसानों को आवश्यकता के अनुसार सामान्य कृषि तकनीकों के जानकारीपरक वीडियो उपलब्ध है । चाहे फ़सल को लगाने की प्रक्रिया हो, फ़सलों में रोग निवारण कि विधि हो या सरकारी नीतियां, सब सूचनाएं इंटरनेट पर उपलब्ध हैं । निःसंदेह स्मार्टफोन ने बच्चों से लेकर वृद्धजनों तक सबको किसी ना किसी स्तर पर प्रभावित किया है । आज ग्रामीण भारत के लगभग पच्चीस करोड़ उपभोक्ता इंटरनेट का प्रयोग कर रहे हैं । आकड़ें बताते हैं कि आधी से अधिक ग्रामीण तथा अर्धशहरी जनसंख्या मोबाईल फ़ोन का प्रयोग कर रही है । इस में किसान किस प्रकार पीछे रह सकते हैं ? कुछ समय पहले तक किसान बीज, कीटनाशक, खाद आदि के लिए दुकानदारों पर निर्भर थे । उत्पाद के विक्रय हेतु मंडियों में जाते थे । लेकिन अब उनके पास अनेक स्रोत हैं । इंटरनेट के माध्यम से विषय प्रसारित होता है और शीघ्र ही समाधान भी प्राप्त हो जाता है । पहले इन समस्याओं को लेकर वैज्ञानिकों के पास स्वयं जाना होता था । लोग देख रहे हैं, समझ रहे हैं और अपने हिसाब से सूचनाओं को क्रियान्वित कर रहे हैं । निःसंदेह सोशल मीडिया का किसान भरपूर लाभ ले रहे हैं ।

2. Write an essay in about 1000-1200 words on any one of the following:

(100 Marks)

1. Women's role in the Emerging World order
2. Place of Nationalism in Global world
3. Responsible Judiciary, Honest Citizens and Liberal Democracy: Idea of India.

Roll NO.

CODE: JSHP-23-M-HINDI

HINDI हिंदी

समय : 3 घंटे

Time Allowed : 3 Hours

अधिकतम अंक : 100

Maximum Marks : 100

प्रश्नपत्र के लिए विशिष्ट अनुदेश

निम्नलिखित प्रत्येक अनुदेश को, प्रश्नों के उत्तर देने से पहले ध्यानपूर्वक पढ़िए :

1. इस प्रश्नपत्र में 7 प्रश्न हैं। सभी प्रश्नों के उत्तर अनिवार्य हैं।
2. परीक्षार्थी प्रश्न/प्रश्न के भाग के उत्तर खंड में दिए गए निर्देशों के अनुसार ही दें।
3. प्रत्येक प्रश्न/प्रश्न के भाग के अधिकतम अंक उसके सामने अंकित हैं।
4. प्रश्न/प्रश्न के सभी भागों के उत्तर प्रश्न-सह-उत्तरपुस्तिका में उसके नियत स्थान पर लिखिए. प्रश्नों/प्रश्नों के भागों के उत्तर क्रमानुसार गिने जाएंगे।
5. यदि उत्तर काटा नहीं गया है तो आंशिक उत्तर देने पर भी उसे गिना जाएगा. यदि प्रश्न-सह-उत्तरपुस्तिका में प्रश्न/प्रश्न के भाग के लिए निर्धारित पृष्ठ या पृष्ठ के भाग को खाली छोड़ा गया है तो उसे लकीर खींचकर काटना आवश्यक है।
6. प्रश्नों के उत्तर साफ़, स्पष्ट एवं सुपाठ्य रूप में दें. उत्तर की शब्द-सीमा का भी ध्यान रखें।
7. उत्तरपुस्तिका के पुनर्मूल्यांकन / पुनःजांच कि अनुमति नहीं है।

QUESTION PAPER SPECIFIC INSTRUCTIONS

Please read each of following instruction carefully before attempting questions.

1. This question paper contains 7 questions. All questions are compulsory.
2. Candidates should attempt question/parts as per the instructions given in the section.
3. The number of marks carried by the question/part is indicated against it.
4. All parts of a question shall be attempted at the place designated for them in the Question-cum-Answer Booklet. Attempts of parts/ questions shall be counted in sequential order.
5. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
6. Candidates are required to write clear, legible and concise answers and to adhere to word limits, wherever indicated.
7. Re-Evaluation/ Re-checking of answer book are not allowed.

1. निम्नलिखित मुहावरों के उचित वाक्य-प्रयोग कीजिए : (04)
- (क) सिट्टी-पिट्टी गुम होना
(ख) गहरी छनना
(ग) दिमाग सातवें आसमान पर होना
(घ) तिल का ताड़ बनाना

2. प्रत्येक वाक्यांश के लिए एक-एक शब्द लिखिए : (04)
- (क) जिस पर विचार किया जा रहा हो
(ख) राजकीय कामकाज के लिए उपयोग में आनेवाली भाषा
(ग) किसी घटना को घटते हुए देखनेवाला
(घ) भविष्य में जिसका होना निश्चित हो
(ङ) जिससे कोई जान-पहचान न हो
(च) कानून की दृष्टि से उचित
(छ) कम शब्दों में अपनी बात कहनेवाला
(ज) किसी व्यक्ति या वस्तु की जगह बदलना

3. निम्नलिखित वाक्यों को व्याकरण की दृष्टि से सुधारकर लिखिए : (04)
- (क) हर आदमी को एक-दूसरों पर निर्भर रहना पड़ता है ।
(ख) सभी देशवासियों ने देश के भविष्य-निर्माण के लिए मिल-जुलकर काम करना चाहिए ।
(ग) मैंने आज प्रातः महादेव जी का दर्शन किया ।
(घ) ऐसे हालातों में धैर्य ही सबसे बड़ी पूँजी है ।

4. निम्नलिखित शब्दों से समुचित वाक्य-रचना कीजिए : (04)
- (ख) लंबित
(ग) समाहार
(घ) मनोनुकूल
(ङ) हिंस्र
(च) निस्तारण
(छ) प्रतिरक्षा
(ज) विघटन
(झ) सामंजस्य

5. शब्द रचना कीजिए :

(04)

- (क) अ+प्रति+आशा+इत् =
(ख) प्राक् +इतिहास+इक =
(ग) सम् +प्रेष् +अनीय + ता =
(घ) स्व+छंद+ता =
(ङ) सम् +उत् +ज्वल =
(च) प्रति +आ +कर्ष+अन =
(छ) प्र +उद्योग+इक+ई =
(ज) पठ्+अक +ईय =

5. निम्नलिखित गद्यांश का हिन्दी अनुवाद कीजिए :

(30)

As such, it was argued by philosopher Michel Foucault that different societies are engaged in different 'regimes of truth'. Even within such societies, different sections are governed by different truths, with often those in dominant positions imposing their version of truth upon others. Hence, facts and opinions cannot be confined to water tight compartments when they overlap in various instances in their relationship with 'truth'. The opinion of a person is conferred the status of a 'fact' and subsequently 'truth' depending upon the power they yield in society. This was also confirmed in a 1994 study by a historian of science named Steven Shapin, when he noted that even at the height of the Scientific Revolution in seventeenth century England, truth was closely linked to an elite culture of honour, wealth, and civilised compartment and was not a universal standard. In India, since women, Dalit and others belonging to marginalised communities did not traditionally enjoy power, their opinions were not conferred the status of 'truth'. This is because since they did not enjoy the freedom to express their opinions, their thoughts were confined, crippled and caged. Even after these marginalised groups received the right to vote, their opinions were reckoned to be 'untrustworthy' because they were considered to be treacherous 'by nature'. In India during the British Raj, when power was absolutely in the hands of few powerful members of the Raj, the truth (and by necessary inference the fact) was the opinion of the king or queen and members of the Raj. After the abolition of the Raj, the truth then became the belief and opinion of upper

caste men. With progress in society and annihilation of the notions of patriarchy and caste supremacy, the opinions of women, Dalits, and other marginalised communities are slowly but gradually to be regarded as 'truth' in India.

2. किसी एक विषय पर लगभग 800 शब्दों में निबंध लिखिए : (50)

- (क) बढ़ते पर्यटन का पर्यावरण पर प्रभाव ।
- (ख) शिक्षा एवं स्वास्थ्य का निजीकरण और समाज ।
- (ग) पर्वतीय संस्कृति के जीवंत तत्व ।

[This question paper contains 04 printed pages]

CODE : JSHP-23(M)-CIVIL LAW-II

Roll No.

CIVIL LAW-II

Time Allowed: 3 Hours.

Maximum Marks: 200

Question paper specific instructions:

1. This question paper contains eight questions.
2. Question No. 1 and 8 are compulsory. Attempt any three questions from the rest.
3. Each question carries equal marks. Marks are divided and indicated against each part of the question.
4. Write legibly supporting your answers with relevant statutory provisions and appropriate judicial pronouncements as may be desirable.
5. Each part of the questions must be answered in sequence in the same continuation.
6. If question are attempted in excess of the prescribed number only question attempted first up to the prescribed number shall be valued and the remaining answer will be ignored.
7. Re-evaluation/ re-checking of answer book are not allowed.

Q.1 With the help of decided cases, discuss the following:

- a) '*Doctrine of Frustration*' under the Contract Act, 1872. (10)
- b) Effect of *Fraud* or *Mistake* on the Law of Limitation, 1963. (10)
- c) Constitutional Validity of Section 9 of Hindu Marriage Act, 1955. (10)
- d) '*Feeding the Grant by Estoppel*' under the Transfer of Property Act, 1882. (10)

Q.2 Explain the following:

- a) Essential conditions for a valid adoption under Hindu Adoption and Maintenance Act, 1956 (HAMA), Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) and Adoption Regulations, 2017. (14)
- b) Special Procedure for the disposal of applications for eviction on the ground of *bonafide* requirement under Section 16 of the HP Urban Rent Control Act, 1987. (13)
- c) Sameer is the owner of building X. Rohan owns the land adjacent to X. Rohan digs a tank on his land without causing any immediate apparent injury to the building, but a portion of X subsides. Sameer wants to sue Rohan for compensation for the damage/loss caused to the building. When does the period of limitation for his suit begin to run? Support your answer with the help of relevant provisions of the Limitation Act, 1963 and the relevant case law. (13)

Q.3 Differentiate between the following:

- a) Coercion and Undue Influence under the Indian Contract Act, 1872. (14)
- b) Vested and Contingent Interests under the Transfer of Property Act, 1882. (13)
- c) Void, Voidable and Invalid Marriage under Hindu Marriage Act, 1955 (HMA) (13)

Q.4

- a) *Chaman Lal Bali v. State of Himachal Pradesh AIR 2016 HP 168; SCC Online HP 1342* is an important case decided by the HP High Court on August 2, 2016, with respect to the HP Urban Rent Control Act, 1987. Discuss the judgment while highlighting the significant points held by the Court.

(14)

- b) Jili Sonaya is a renowned Dharam Guru allegedly involved in some scam. During a press conference, Honey, a notorious young man, repeatedly shouted certain abusive words for him in the presence of many other devotees and followers. Jili Sonaya filed a case of defamation against Honey.

Honey hired advocate Mr. Shyam Dangal who successfully defended him in the trial court of Delware. However, when Mr. Dangal asked for the payment of his fee, Honey

refused to pay and told him that he is a minor and therefore, not liable to make any payment to him. (13)

Discuss the liability of Mr. Honey assuming that he is a minor.

- c) Describe the applicability of relevant provision of the Limitation Act, 1963, date on which the period of limitation shall be computed in case of claim of Set-off and Counter-claim. Substantiate your answer with the decided case laws. (13)

Q. 5

- a) Megha made a gift of her property to her nephew's daughter Khushi for her life and then to Khushi's male descendants absolutely, if she had any. In case, if she had no male descendants, then to Khushi's daughter without any power of alienation. In case, Khushi had neither male nor female descendants, then the property was to revert to her nephew. Khushi died without any child. Find out the validity of the gift. (14)
- b) What is the order of succession in the event of death of the person continuing in possession after the termination of the tenancy as provided under Sec. 2 of the HP Urban Rent Control Act, 1987? (13)
- c) The State of Himachal Pradesh (HP) filed a suit for recovery of land against Mr. Bhurelal after expiry of the limitation period. Mr Bhurelal pleaded that the said suit was barred by limitation. Whether the state of HP is right in taking this plea that the State Government is exempted from limitation rules? Decide. (13)

Q.6

- a) In contracts, Time is usually considered to be of an essence.

Akshira (seller) and Samyak (buyer) entered in an agreement of sale of residential flat 'Prateeksha' located in Bandra, Mumbai in Dec.2020. There was no mention originally of the time of performance being of the essence. Samyak completed all the formalities as well as the payment as per the agreement by Dec. 2022. However, Akshira did not hand over the possession to Samyak till July 2023. Samyak repeatedly reminded Akshira for the same, but she did not respond even once.

In Aug. 2023, she communicated that she would hand over the possession to Samyak by Dec. 2023.

- Discuss the relevant issues/case law/ provisions that are necessary to determine whether in this case time is of the essence or not. (14)
- b) In the case of *Shilpa Sailesh vs. Varun Sreenivasan (2023)*, the SC has ruled that it has the power to dissolve a marriage if the marriage is irretrievably broken down. Discuss the existing law on the irretrievably broken down of marriage under the Hindu Marriage Act, 1955 (HMA). (13)
- c) Mr Suleman filed a suit against Mr. Rehman based on an acknowledgement of payment made by him in the written statement of a previous suit as provided under Section 19 of the Limitation Act. Decide. (13)

Q. 7

- a) Standard Form Contracts are very common these days as big corporates find them easier in view of the ever-increasing consumer base of goods and services. Discuss the safeguards available to the consumers and applicability of the doctrine of *Contra Proferentum* to such contracts. (14)
- b) Write a detailed note on Adverse Possession. (13)
- c) What are the grounds to be considered by the Controller before making an order for eviction of the tenants under the HP Urban Rent Control Act, 1987? (13)

Q.8 Describe the provisions and procedure for the following as prescribed under HP Urban Rent Control Act, 1987:

- a) Time limit for making deposit and consequences of incorrect particulars in application for deposit (10)
- b) Provision relating to Penalties if any person contravenes the provisions of the HP Urban Rent Control Act, 1987 . (10)
- c) Landlord's duty to keep building or rented land in good repairs. (10)
- d) Recovery of possession in case of tenancies for limited period (10)

[This question paper contains 07 printed pages]

CODE : JSHP-23(M)-CIVIL LAW-1

Roll No.

CIVIL LAW-I

Time Allowed: 3 Hours.

Maximum Marks: 200

Question paper specific instructions:

1. This question paper contains eight questions.
2. Part 'A' is compulsory.
3. Answer any three questions from Part 'B'
4. Each question carries equal marks. Marks are divided and indicated against each part of the question.
5. Write legibly supporting your answers with relevant statutory provisions and appropriate judicial pronouncements as may be desirable.
6. Each part of the questions must be answered in sequence in the same continuation.
7. If question are attempted in excess of the prescribed number only question attempted first up to the prescribed number shall be valued and the remaining answer will be ignored.
8. Re-evaluation/ re-checking of answer book is not allowed.

Part-A

(Both questions are compulsory)

Q. 1(A) Discuss the scope and depth of judicial inquiry while applying Order 7 Rule 11 of the Code of Civil Procedure, 1908 while rejecting a plaint. **(08 Marks)**

(B) Mr. Ram Prasad, the owner of a building (46000 Square feet), consisting of 30 rooms along with other facilities, in Shimla, Himachal Pradesh, rented the building to ABC University, Himachal Pradesh (a state University). The building was rented vide an unregistered lease deed, @120,000/ per month for 11 months, which may be extended up to a further period of 5 years, from 1st July 2017. The University converted the building into a boy's hostel. It was part of the agreement that either party can rescind the lease deed by giving one month's notice. The lease period was extended time and again till June 2022. In September 2022 Mr. Ram Prasad, being in need of the said premises so that he can convert the building into a homestay, approached the University twice for the vacation of the said building. However, the University Registrar, who was approached directly, did not agree to his demand, citing inconvenience to students during an ongoing academic session, and non-availability of any other suitable accommodation in the locality. Finally, Mr. Prasad served a legal notice in the month of October 2022 for vacation of the building. The University, even after receiving the said legal notice, neither vacated the premises nor showed any intention to vacate.

Draft a plaint for Mr. Ram Prasad against ABC University claiming the eviction of his residential property along with all other suitable remedies including compensation for wrongful possession of property. **(12 Marks)**

Also, draft a Written Statement for ABC University against the Plaint filed by Mr. Ram Prasad. **(12 Marks)**

(C) Mr. Z was contacted by Mr. A & B to kill Mr. V. For this purpose, Z was asked to prepare a plan and arrange some hire-assassin who would be paid Rs.10 lakhs. Z contacted Mr. C, a hired assassin, disclosed the assignment, and paid Rs 50,000 in advance. However, later, Mr. Z developed cold feet and withdrew himself from the plan. He informed the same Mr. A&B. After a month, he came to know from the newspaper that Mr. V had been shot dead. He further received a phone call

from Mr. A that he would be finished if he discloses anything to anyone. A few days later, A, B, and C were arrested by the police. Mr. Z gave his statement to the police regarding whatever transpired between him and the other accused. He also stated the same to the magistrate and became a public witness during the trial. During the trial, Accused A makes an application under Section 319 of the Code of Criminal Procedure, 1973 to implicate Mr. Z as accused. The trial court dismissed the application quoting Section 132 of the Evidence Act, 1872. Examine the legality of the order. Substantiate your answer with decided cases.

(08 Marks)

- Q. 2(A)** What is the legal framework for collection stamp duty on securities market instruments such as shares and mutual funds? **(08 Marks)**
- (B)** Discuss the power of the High Court with respect to determining the jurisdiction (territorial and pecuniary) of subordinate courts under the Himachal Pradesh Courts Act, 1976. **(08 Marks)**
- (C)** "The court should find out whether the crime was committed by the accused and the circumstances proved formed themselves into a complete chain, which clearly points to the guilt of the accused. If on the other hand, the circumstances proved against the accused are consistent either with the innocence of the accused or raise a reasonable doubt about the way the prosecution has alleged the offense is committed, the accused would be entitled to the benefit of the doubt." Considering the statement, discuss the essentials of circumstantial evidence rule as propounded by the Supreme Court of India through judicial decisions. **(12 Marks)**
- (D)** "*Rule of fairness, equity, and justice demands that the 'one who has been dispossessed from his property must be restored without delay'*". Discuss the provisions of the Specific Relief Act, 1963 towards achieving the above objectives. **(12 Marks)**

Part-B

Q. 3(A) Who can file a pauper suit? 'A' filed an application as a pauper. 'A' dies before the disposal of his application. Can his legal representative continue with that application? Answer with the help of relevant statutory provisions and decided cases. **(08 Marks)**

(B) Mr. 'A' transfers his land, having residential property, to Mr. 'B' as agricultural land, and thus there is a deficiency in the stamp. In view of the Stamp Act, 1899 (along with Himachal Amendments), discuss the penal liability in this case under the Stamp Act. **(08 Marks)**

(C) With reference to Section 9 of the Code of Civil Procedure, 1908, discuss the principles evolved through *Dhulabhai v. State of M.P.* (1968) regarding the exclusion of the jurisdiction of the Civil Court. **(12 Marks)**

(D) 'A' allegedly poisoned his wife 'W'. During the investigation, police arrested Ms. 'Z' as an abettor for the said crime. During the trial, it was established that there was an extra-marital relationship between 'A' and 'Z'. A letter written by Ms. 'Z' to 'A' was adduced as evidence suggesting their plan to marry soon. However, no other direct evidence is available to establish the alleged abetment on the part of Ms. 'Z'. The trial court, relying on other said letter, and the relevant motive, convicted Ms. 'Z' as an abettor for the said murder."

Write a critique of the conviction order with the help of relevant provisions of the Evidence Act, 1872, and the judicial decisions. **(12 Marks)**

Q. 4(A) What is a case Management Hearing? Discuss the scope of Order XVA of the Code of Civil Procedure, 1908 as applicable to commercial courts. **(08 Marks)**

(B) Discuss the situations under which specific performance could be permitted even though parties are unable to perform their contract in its entirety. **(08 Marks)**

(C) "The distinction between appeal and revision is a real one." Explain the distinction with the help of provisions contained in the Code of Civil Procedure, 1908, and decided cases. (12 Marks)

(D) A, B, C, D, and E joined a meeting through video conferencing to destroy a religious structure as a mark of their protest against a traditional religious belief. During the meeting, hate speeches were given and recorded as part of the proceedings. The conspiracy was executed, resulting in mob violence, injuries including deaths. Police arrested them all. A letter proved to be written by 'B' was recovered from 'A', wherein A was directed to purchase explosives for destroying the said religious structure. The recorded video conferencing was retrieved from a laptop possessed recovered from 'C'. After arrest while being in police custody, 'D' made a confession and stated the location of the place where all other arms and ammunition related to this violence were stored. Police raided the said place and recovered all the materials. During the trial, the prosecution adduced the letter written by 'B', the video conference proceedings, and the confession of 'D' against all other accused.

Discuss the relevancy and admissibility of the above three pieces of evidence against the maker as well as all other accused. Substantiate your answer with relevant provisions of the Evidence Act, 1872, and the decided cases.

(12 Marks)

Q. 5(A) Discuss the applicability of resjudicata between co-defendants. Explain with the help of relevant provisions of law and decided cases. (08 Marks)

(B) What is 'privileged communication'? Whether cabinet-note placed for discussion before the Cabinet Ministers is immune from judicial scrutiny under Section 123 of the Evidence Act? Discuss with the help of decided cases. (08 Marks)

(C) What is an interpleader suit? Explain the scope of an interpleader suit. (12 Marks)

(D) 'A' was arrested for allegedly committing murder. The Police Officer in charge of his custody and investigation tried to obtain his confession but failed. The

Superintendent of Police, who happens to visit the police station on a routine inspection, while interacting with the accused said, "Since the case is registered now, you should tell the truth to me, and I am sure I will do some favour to you". After this, 'A' made the confession to the Superintendent of Police.

Discuss the relevancy and admissibility of this confession. Substantiate your answer with relevant provisions of the Evidence Act, 1872, and the decided cases.

(12 Marks)

Q. 6(A) Discuss the scope of Section 154 of the Evidence Act, 1872. **(08 Marks)**

(B) Discuss the procedure for the settlement of issues as prescribed under Order XVI of the Code of Civil Procedure, 1908. Under what circumstances, the court may initiate an examination of witnesses to settle the issue? **(08 Marks)**

(C) What are the consequences of the non-appearance of parties on the date fixed by the court? Explain with the help of provisions contained in the Code of Civil Procedure, 1908.

In a suit filed by 'A' against 'B' for recovery of money, the summons was duly served. However, on the fixed date, the defendant did not appear. The Court decided the matter *ex-parte* and treated all the claims made by 'A' as 'admitted' and passed a decree in his favour. Decide the legality of the proceedings. **(12 Marks)**

(D) What are the essentials of a dying declaration?

Five persons were arrested for causing dacoity with death. One of the accused got seriously wounded during his arrest. Later, he made a statement regarding the dacoity, and all other accused involved. However, after a few days, he died. The prosecution wishes to adduce his statement as a dying declaration under Section 32(1) of the Evidence Act, 1872. Discuss with the help of relevant provisions and decided cases. **(12 Marks)**

Q. 7(A) Discuss the provisions relating to the government contracts relating to infrastructure projects under Specific Relief Act, 1963. **(08 Marks)**

(B) Who is an 'expert'? Discuss the relevancy of expert opinion under the Evidence Act, 1872. **(08 Marks)**

[This question paper contains 08 printed pages]

CODE : JSHP-23(M)-CRLAW

Roll No.

CRIMINAL LAW

Time Allowed: 3 Hours.

Maximum Marks: 200

Question paper specific instructions:

1. This question paper contains eight questions.
2. Part 'A' is compulsory.
3. Answer any three questions from Part 'B'
4. Each question carries equal marks. Marks are divided and indicated against each part of the question.
5. Write legibly supporting your answers with relevant statutory provisions and appropriate judicial pronouncements as may be desirable.
6. Each part of the questions must be answered in sequence in the same continuation.
7. If question are attempted in excess of the prescribed number only question attempted first up to the prescribed number shall be valued and the remaining answer will be ignored.
8. Re-evaluation/ re-checking of answer book are not allowed.

Part-A

(Both questions are compulsory)

1. (A) Draft a bail application on behalf of accused 'A' who has been booked by police and has been sent to jail for commission of an offence punishable under section 302 of Indian Penal Code, 1860. (10 marks)
- (B) What is plea bargaining? Briefly describe its procedure. Whether these provisions apply in respect of all offences? Can victim of crime make any objection against these bargaining? Explain. (10 Marks)
- (C) What will be the proper court to enquire into or try an offence in the following cases? Also, discuss the legal provisions and the relevant case laws to your answer.
 - (i) 'A' is put in fear of injury within the local jurisdiction of court 'X', and is thereby induced within the local jurisdiction of court 'Y' to deliver property to the person who put him in fear. The offence of extortion committed on 'A' is to be inquired and tried where? (5 Marks)
 - (ii) An offence of cheating is committed by 'A' by making a false representation to 'C' at place X, and by inducing 'C' to deliver any property to A's abettor, 'B' at place Y, in such a case, 'A' and 'B' can be tried jointly where? (5 Marks)
- (D)
 - (i) 'A' shoots at a Rabbit, but the bullet hits 'B' and causes his death. State liability of 'A'.
 - (ii) 'A' being a Police officer, commits penetrative sexual assault on a child, within the limits of the police station he is appointed. He shall be punished

with what punishment under the Protection of Children from Sexual Offences Act, 2012.

- (iii) Define 'forest produce' under the Indian Forest Act, 1927.
 - (iv) Explain 'Evidentiary Value' of an F.I.R.
 - (v) Distinguish between the offences of *Unlawful assembly*, *Riot* and *affray*.
- (10marks)

2. (A) "In all murders, there is culpable homicide but every culpable homicide is not necessarily murder". Explain with illustrations.

A, under the influence of passion excited by a provocation given by Z, intentionally kills, Y, Z's child. Discuss the liability of A citing relevant provision and case laws.

(10 Marks)

(B) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. Define the crime under which the criminal liability may arise. Committed. Refer suitable illustrations and decided cases in your answer.

(10 Marks)

(C) When does the right of private defence of property extends to causing death?

A, B and C, who were armed, were escorting two ladies out of a village at the request of the ladies. X, Y and Z, attempted to kidnap one of the ladies. While doing so X labelled a loaded revolver against B and thereupon X was stabbed to death by B. Discuss the criminal liability of B.

(10 Marks)

- (D) State with reasons what offence, if any, has been committed?
- (i) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has no authority from Z to give it to A. Despite this A takes the property. (5 Marks)
- (ii) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. (5 Marks)

Part- B

(Attempt any three questions)

3. (A) An Indian citizen, takes an active part in Australia, in the performance of a wedding ceremony prohibited under the Child Marriage Restraint Act, 2006. Afterwards, he comes back to India, can he be tried in any of the Indian Courts in the jurisdiction of which he is found in India. Discuss with the light of statutory provisions and decided cases. (10 Marks)
- (B) A, B, C and D go armed to X's house with the intention of committing robbery. X being absent, C and D proceeds to the field where X had gone with a view to compel him to hand over the keys of the safe. In the meantime, Y the son of X pushes opens the door of the house, whereupon A shoots him dead. Discuss the criminal liability of A, B, C, and D for the offence committed by them with the help legal provisions and relevant case laws. (10 Marks)
- (C) 'A' kept the bottle of medicine in a shelf where some other bottles containing poisonous solution for photography business were also kept. In a state of drunkenness, before going to bed, 'A' mistakenly gave his ailing wife the

poisonous solution. As a result of which she died. Discuss the criminal liability, if any, of the accused under the Indian Penal Code, 1860. (10 Marks)

(D) 'X' strikes 'A'. 'A' is by this provocation excited to violent rage. 'Y', a bystander intending to take advantage of A's rage and to cause him kill 'X'. gives a revolver into 'A's hand for that purpose. 'A' kills 'X' with the revolver. Discuss the criminal liability of 'A' and 'Y' with the help legal provisions and relevant case laws. (10 marks)

4. (A) State the provision contained in Criminal Procedure Code, 1973 relating to 'sentence in cases of conviction of several offences at one trial'. Is this provision mandatory? Cite judicial decisions. (10 Marks)

(B) State the guiding principles issued by Supreme Court which are to be ensured before issuing a direction for investigation under Section 156(3) of Cr. P. C. (10 Marks)

(C) An accused is arrested in a bailable offence and he is released on bail. During trial, he absconds and nonbailable warrants are issued against him. The police arrest him and produce him before the court. The defence counsel pleads for his release on bail under section 436(1), Cr. P. C. which provides that accused of a bailable offence shall be released on bail.

Can the Court, in such circumstances, refuse to release him on bail? Give reasons. (10 Marks)

(D) Examine the irregularities which vitiate and which do not vitiate criminal proceedings under the Criminal Procedure Code, 1973. (10 Marks)

5. (A) Define the followings: (10 Marks)
- (i) Promissory note
 - (ii) Bill of exchange
 - (iii) Cheque
 - (iv) Drawer and drawee
 - (v) Payee
- (B) 'Provision of Section 141 of Negotiable Instruments Act, 1881 creates a constructive liability on the persons responsible for the conduct of the business of the company'. Discuss the statement with the help of decided cases. (10 Marks)
- (C) Enumerate the circumstances which impose prohibition on possession of the liquor under section 18 of the Himachal Pradesh Excise Act, 2011. (10 Marks)
- (D) Explain the provisions relating to Appeal and Revision under Himachal Pradesh Excise Act, 2011. (10 Marks)
6. (A) Explain the provisions of penalty for unlawful production, manufacture, possession, import, export, sale etc. of liquor under section 39, of the Himachal Pradesh Excise Act, 2011. (10 Marks)
- (B) In the light of Section 55 of the H.P. Excise Act, 2011, enumerate the circumstances when the Court takes cognizance of any offence punishable under the Act. (10 Marks)
- (C) Discuss, with the help of decided cases, the liabilities of a person in case of dishonour of cheque under Section 138 of the Negotiable Instruments Act, 1881. (10 Marks)

- (D) Explain the presumption of dishonour of a cheque under Section 146 of the Negotiable Instruments Act, 1881. Refer suitable illustrations and decided cases in your answer. (10 Marks)
7. (A) What do you mean by protected forest. Enumerate the rules as provided under section 32 of the Indian Forest Act, 1927 to regulate protected forest. (10 Marks)
- (B) What are the various duties and powers of the Forest Settlement Officer under the Indian Forest Act, 1927? Explain. (10 Marks)
- (C) Discuss the procedure for forfeiture of property derived from illegal hunting and trade under the Wildlife (Protection) Act, 1972. (10 Marks)
- (D) Discuss the Penalties of which a person shall be liable on conviction for contravention of the provisions of the Wild life (Protection) Act, 1972. (10 Marks)
8. (A) Explain the following under the Wildlife (Protection) Act, 1972: (10 Marks)
- (i) Animal article
 - (ii) Hunting
 - (iii) National Park
 - (iv) Uncured trophy
 - (v) Zoo

(B) Discuss the constitution and duties of State Board for Wildlife under the Wildlife (Protection) Act, 1972.

(10 Marks)

(C) Explain the penalties for acts committed in contravention of notification under section 30 or of rules under section 32 of the Indian Forest Act, 1927.

(10 Marks)

(D) Explain the power to impose duty on timber and other forest-produce as is provided under section 39 of the Indian Forest Act.1927.

(10 Marks)
