



Bar Council of India 21st Qualifying Examination for Indian Nationals Holding Foreign Law Degrees

Paper – V – Criminal Procedure Code

PART - A

Answer any 5 of the following:

(5 x 5 = 25)

1. Custodial detention of an accused during investigation of a criminal case cannot go beyond permitted period as per Criminal Procedure Code. Examine relevant provisions of the Criminal Procedure Code which ensures this right of an accused with the help of decided cases.
2. Distinguish between ' Complaint, and 'First Information Report'.
3. What are the precautions to be taken while recording confession and statement of the accused by a Judicial Magistrate or Metropolitan Magistrate?
4. Critically analyse the provision for determination of age under the Juvenile Justice System in India with the help of statutory provisions and decided cases.
5. General principle states that 'for every distinct offence, there shall be a separate charge and every such charge shall be tried separately.' Are there any exceptions? Discuss with the help of relevant provisions and suitable illustrations.
6. Explain the provisions relating to the compensation to the victims of crime and the powers of the criminal court while passing such order.

PART - B

Answer any 3 of the following:

(3 x 15 = 45)

7. W's mother-in-law, a patient of asthma and aged 58 yrs, Father-in-law aged 61 yrs and brother-in-law, an outstanding player of his school hockey team and aged 16 yrs arrested for committing an attempt to wrongful confinement and murder of 'W'. All the accused apply for bail; they belong to highly reputed family of business magnates. In the light of above facts, Refer to relevant statutory provisions and decided cases and answer the following questions:

- a) Can the accused be released on bail? What guidelines should be kept in view while considering the bail application?
 - b) Under what circumstances bail can be cancelled?
8. A Sessions Judge in the course of a 'Session's Trial', comes across evidence indicating involvement of Mr. 'C' as a co-accused in the said offence under trial. However, Mr. 'C' was not formally charged in the case so far.
Discuss about the procedure through which trial can be initiated as against Mr. 'C' in the course of the same trial.
 9. Mr. 'X' and Mr. 'Y' were performing a journey from Agra to Delhi. Somewhere between Agra and Mathura, an altercation took place between Mr. 'X' and Mr. 'Y' regarding reservation of berth and Mr. 'X' caused grievous hurt to Mr. 'Y'. Both Mr. 'X' and Mr. 'Y' broke their journey at Mathura and Mr. 'Y' reached Delhi Court to try the offence of causing grievous hurt against Mr. 'X'. Whether Delhi Court has jurisdiction?
Examine the above-mentioned problem and decide with reference to statutory provisions and decided cases.
 10. Examine the difference between judgment and sentencing. Examine execution of sentencing in the context of remission and commutation with the help of statutory provisions and decided cases.

PART - C

Answer any 1 of the following:

(1 x 30 = 30)

11. Mr. 'A', an accused is charged of murder. After trial, the trial court acquitted Mr. 'A' accepting his plea of alibi. The prosecution filed an appeal before the appellate court and argued that the trial court erred in acquitting the accused. The defense counsel's contention was that there are several legal aspects which have to be followed by the prosecution for filing an appeal but prosecution failed to comply with those and the petition is liable to be dismissed.
Decide and discuss the essential ingredients of an appeal under the Code of Criminal Procedure and also explain the power of appellate court while deciding an appeal.
12. *"Each one has an in-built right to be dealt with fairly in a 'Criminal Trial'. Denial of a fair trial is as much injustice to the accused as it is to the victim and to the*

society. A fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause which is being tried, is eliminated".

In the light of the above statement, discuss and justify the significance of balancing the rights under Criminal Justice System.