

Roll No: -----

**UNIVERSITY OF PETROLEUM  
AND ENERGY STUDIES**



**End Semester Examination – December, 2017**

**Program/course: B.A.LL.B ENERGY LAWS**  
**Subject: CRPC, Juvenile Justice & Probation of offenders Act**  
**Code : LLBL212**  
**No. of page/s: 2**

**Semester – V**  
**Max. Marks : 100**  
**Duration : 3 Hrs**

**SECTION A SHORT ANSWER TYPE 10 marks**

1. Define and discuss briefly **any four of** the following under the with relevant provisions:
  - i. Police Report
  - ii. Charge
  - iii. Complaint
  - iv. Victim
  - v. Child in Conflict with law

**SECTION B CONCEPTUAL TYPE *any four 5\*4= 20 marks***

2. Sessions court cannot take direct cognizance of an offence. In light of the aforesaid statement explain cognizance and Committal Proceedings under the Criminal Procedure Code 1973.
3. Explain the grounds for the exercise of the Inherent powers of the High Court under the Criminal Procedure Code 1973.
4. Elucidate the proceedings when cognizance is taken by a magistrate on a complaint under section 190 (a).
5. Distinguish between Reference and power of revision of the High Court.
6. What is Plea Bargaining? How is different from Compounding of offences?

**SECTION C ANALYTICAL TYPE *any two 20 marks***

7. A confession made to police is inadmissible. Critically analyse the evidentiary value of the statements recorded by the police officer under Section 161 of the Criminal Procedure Code, 1973. How is it different from the statements recorded by the magistrate under section 164 of the Code?

8. State and critically analyse the provisions for the trial of a child in conflict with law between 16 to 18 years of age who has committed a heinous offence under the new Juvenile Justice Act, 2015.
9. State the procedure to be followed by the magistrate when investigation cannot be completed within 24 hours by the police and the accused is brought before him. What if the accused is in custody and the police report has not been submitted within 90 days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term not less than ten years. Explain with relevant case laws.

**SECTION D APPLICATION BASED/ CASE STUDY 50 marks**

10. "The law of bails dovetails two conflicting interests namely, on the one hand, the requirements of shielding the society from the hazards of those committing crimes and potentiality of repeating the same crime while on bail and on the other hand absolute adherence of the fundamental principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty."- In light of the above statement of the apex court in *Siddharam Satlingappa Mhetre vs State Of Maharashtra 2011 SC* discuss the following:

a) Vinay Mallya, an eminent industrialist has reason to believe that he may be arrested on the accusation of having committed a non-bailable offence. Can he apply to the Court of Session for issuing a direction that in the event of his arrest he should be released on bail? Explain with the help of relevant provisions under the Code of Criminal Procedure 1973.

**10 Marks**

b) Grant of bail for a limited period is contrary to the legislative intent and law declared by the constitutional bench in *Gurubaksh Singh Sibbia v. State of Punjab AIR 1980 SC*.  
*Critically analyse*

**10 Marks**

11. It appears to the court from the perusal of the records at the stage of trial that Rajan whose name was not there in the charge sheet was also involved in the murder of the commissioner of police apart from Shakeel. Can the court proceed against Rajan at this stage? State reasons along with relevant provision of the Code. **10 Marks**
12. Make a flow chart of the stages involved in the Trial which takes place before the Court of Session. Also state the difference between an acquittal and discharge. **10 Marks**
13. A is tried for causing grievous hurt and convicted. The person injured afterwards dies. Can A be tried again for Culpable Homicide? Give reasons and relevant provisions to support your answer. **10 Marks**

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**SECTION A SHORT ANSWER TYPE 10 marks**

1. Write short notes on **any four of the following**
  - i. Cognizance
  - ii. Compounding of offences
  - iii. Victim Compensation Scheme
  - iv. Inherent powers of the High Court
  - v. Inquest Report

**SECTION B CONCEPTUAL TYPE *any two* 20 marks**

2. What is the object behind having the provisions of maintenance under Code of Criminal Procedure, 1973? Who all are entitled for maintenance under the Code? Also state under what circumstances a maintenance order made in favour of a divorced woman can be cancelled?
3. What is a charge? What is the process to be taken by the courts when a charge is altered? State under what conditions joinder of charges can take place?
4. What is FIR? Explain the procedure followed by the police in case of the commission of a cognizable offence.

**SECTION C ANALYTICAL TYPE *any two* 20 marks**

5. What is a case diary? Critically analyse the evidentiary value of the statements recorded by the police officer under Section 161 of the Code of Criminal Procedure, 1973.

6. What is an anticipatory bail? What all conditions may be imposed by the Court while granting an order of anticipatory bail? Also explain the law on bails settled by the Supreme Court in the case of *Gurubaksh Singh Sibbia v. State of Punjab AIR 1980 SC*.
7. Presumption of innocence is the basic postulate of criminal law jurisprudence. Discuss the provisions of fair trial incorporated under the Criminal Procedure Code 1973.

**SECTION D APPLICATION BASED/ CASE STUDY 10\*5= 50 marks**

8. Salman was driving his car in drunken state at a high speed on Chakrata road while his car hit two brothers Ajay and Sanjay, walking on the road side. Both of them were referred to AIIMS Delhi by the Doon Hospital Dehradun. Both of them succumbed to their injuries at AIIMS Delhi. State as to what all courts will be having the jurisdiction to try Sanjeev. Give reasons.
9. Vishal's laptop was stolen from the class on 10<sup>th</sup> of September 2012. He did not file any FIR immediately. However he filed an FIR after two years of the said date. State with reasons whether the cognizance of the offence of theft can be taken by the Court in light of the provisions of Limitation. Also explain the approach of the Court with respect to such a delay in filing of the FIR.
10. Make a flow chart of the stages involved in the Trial which takes place before the Court of Magistrate when in warrant cases on police report. Also state as to how it is different from trial by the Court of Session.
11. Rajesh and his parents were charged for an offence u/s 498 A of the IPC (Cruelty by husband and relatives of a married woman). They wanted to settle the matter through plea bargain. State with reasons as to whether plea bargaining is possible in such a case.
12. A is charged with theft. It appears from the facts of the case that he committed the offence of Criminal breach of trust. Can he be convicted for it?