


Name: Enrolment No:			
UPES End Semester Examination, May 2024 Programme Name: BA LL.B./BBA LL.B./B.COM LL.B. Semester: IV Course Name: Law of Crimes II: Cr. P. C Time: 03 hrs Course Code: CLCC2012 Max. Marks: 100 Instructions: All questions are mandatory.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	<p>Which of the following Magistrate is empowered to take Cognizance of an Offence under Section 190 Cr. P. C./S. 210, BNSS 2023:</p> <p>A. Judicial Magistrate First Class and Judicial Magistrate Second Class</p> <p>B. Judicial Magistrate First Class</p> <p>C. Judicial Magistrate Second Class when specially empowered by the CJM in this behalf.</p> <p>D. Both B and C.</p>	2	CO1

Q 2	Under CR.P.C./BNSS, a Judicial Magistrate First class can pass a sentence of imprisonment upto _____ years and fine upto _____ Rupees.	2	CO1
Q 3	If the complaint is made to a Magistrate who is not empowered and competent to take cognizance of the offence then such Magistrate has the power to dismiss the complaint. A. True B. False	2	CO1
Q 4	Which of the following provisions of Cr. P. C./BNSS contains the law relating to Default Bail. A. Section 164 (2) Cr. P. C./Section 183 (1), BNSS B. Section 167 (1) Cr. P. C./Section 187 (2), BNSS C. Proviso to Section 167 (2) Cr. P.C./Section 187 (3), BNSS D. Section 157 (2) Cr. P. C./Section 176 (2), BNSS	2	CO1
Q 5	The highest judicial authority in a Sub-Division of a district is called: A. Chief Judicial Magistrate B. Sub Divisional Judicial Magistrate C. Sub-divisional Magistrate. D. District Magistrate	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Write a short note on 'Registration of Electronic FIR (E-FIR). Cite the relevant provision of BNSS. Or Write a short note on 'Content of Charge' citing the relevant provision under Cr. P. C./BNSS.	5	CO2

Q 7	<p>Write a short note on ‘Language and Contents of Judgment’.</p> <p style="text-align: center;">Or</p> <p>Write a short note on ‘Committal Proceedings’ by the Magistrate. Cite the relevant provisions of law.</p>	5	CO2
Q 8	<p>Discuss the Procedure of Declaration of a person as a Proclaimed Offender/Proclaimed Person by citing the relevant provisions of Cr. P. C./BNSS.</p> <p style="text-align: center;">Or</p> <p>Comment on ‘Service of Summons on a Company or Corporation’. Cite the relevant provision of Cr. P. C./BNSS.</p>	5	CO2
Q 9	<p>Comment on “Arrest by Private person and procedure thereof”.</p> <p style="text-align: center;">Or</p> <p>Write a short note on the circumstances where an arrest can be made by a Magistrate.</p>	5	CO2
<p>SECTION-C</p> <p>(2Qx10M=20 Marks)</p>			
Q 10	<p>“The Order under Section 144, Cr. P. C./Section 163, BNSS is Anticipatory Executive order- To be made to avoid urgent nuisance or apprehended danger and the nature of such order may be prohibitory or mandatory.”</p> <p>Critically analyze the power of the Executive Magistrate to take action in Urgent cases of Nuisance and apprehended danger. Explain the law in the light of relevant provisions of Cr. P. C./BNSS and case laws (if any).</p>	10	CO3
Q 11	<p>“The object of the examination of the complainant and the witnesses under Section 200 of Cr.P.C/Section 223, BNSS on receipt of complaint is to rule out any vexatious or false complaint made against the accused</p>	10	CO3

	<p>and avoids the issuance of process against the accused in frivolous cases.”</p> <p>In the light of the statement discuss the procedure to be adopted by the Magistrate in complaint cases on receipt of the complaint before issuing process against the accused. Cite the relevant provision of Cr. P.C./BNSS and case laws.</p>		
<p>SECTION-D (2Qx25M=50 Marks)</p>			
Q 12	<p>Arvind, Officer in charge of a police station received an information that a person named Aakarsh has shot another person named Dinesh near Ballupur Chownk Dehradun with a Pistol. The informant told the SHO that two bullets were fired by Aakarsh, and Dinesh has been rushed to the hospital and he is being attended by the Doctors in the Civil Hospital Dehradun. Aakarsh has fled from the crime scene. While he was running the Pistol fell from his hand at the crime scene. An FIR was registered for commission of an offence under Section 307, IPC based on the information and Vivek Kumar was appointed as the IO of the case. IO Vivek Kumar decided to proceed to investigate the case. During the Investigation, accused Aakarsh was arrested and kept in custody. The IO is of the opinion that the investigation cannot be completed within 24 hours and that the accusations against the accused are well founded and hence his further detention in custody is required.</p> <p>Discuss in detail the steps to be taken by the IO for seeking further detention of the accused in Police Custody. What procedure shall be followed by the Magistrate in this scenario, if the accused is produced before him by the Police and the police seeks police custody of the accused. What would be the consequences if the police officer (IO) does not submit the police report in 90 days and consequential right of the accused on such non-submission</p>	25	CO4

	of the police report. Discuss the same in the light of the provisions of Cr. P. C./BNSS and relevant case laws.		
Q 13	<p>“While considering an application for bail under section 437 and 439 Cr. P. C. severity of punishment and gravity of alleged offence both needs to be taken into consideration. Court is required to maintain a balance between right to liberty and securing presence of an accused at trial. Bail is not a rule but an exception so bail must be refused only in extraordinary circumstances.”</p> <p>In the light of the statement critically elaborate on the power of Magistrate to grant bail in Non-Bailable Cases by citing the relevant provisions of Cr. P. C./BNSS. Support your answer by relevant case laws as well. Can bail be granted by a Magistrate in a case where there are reasonable grounds that the accused has committed an offence punishable with death penalty or imprisonment for life or the accused is a previous convict of a cognizable offence punishable with imprisonment of 7 years or more? If yes, enumerate the circumstances of the release in such cases.</p>	25	C04