

MIZORAM PUBLIC SERVICE COMMISSION
GRADE-III OF MIZORAM JUDICIAL SERVICE (CIVIL JUDGE)
MAIN EXAMINATION UNDER LAW & JUDICIAL DEPARTMENT,
GOVERNMENT OF MIZORAM. NOVEMBER, 2022

LAW PAPER- II

Time Allowed : 3 hours

Full Marks : 100

*Marks for each question is indicated against it.
Attempt all questions.*

INDIAN PENAL CODE –20 MARKS

1. State with reasons, what offence, if any, was committed in the following cases: (4×2.5=10)
 - (a) 'A' finds a valuable ring on the road. He picks it up and sells it immediately.
 - (b) A, a police-officer, tortures Z in order to induce Z to confess that he has committed a crime.
 - (c) A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; the death of the unborn quick child with which she is pregnant is however caused.
 - (d) A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favor by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed what offence.
2. "Nothing is an offence which is done by a person who is bound by law to do it." Discuss this statement with illustrations and relevant case laws. (5)
3. What are the three instances of group liability under the IPC when a person may become constructively liable for an offence he did not commit himself. (5)

CODE OF CRIMINAL PROCEDURE – 30 MARKS

4. Name the three types of Courts that can try a case summarily. If 'A' commits theft of cash money amounting to Rs. 500, can his offence be tried summarily. Explain. (2.5+2.5=5)
5. What is the difference between an investigation directed by a Magistrate under Section 156 (3) CrPC and Section 155 CrPC. Illustrate. (5)
6. Discuss the role that a Public prosecutor undertakes while participating in a Plea Bargaining proceeding? (5)
7. What is the procedure of recording the evidence of an absentee accused? Can evidence adduced during the trial of an accused be used against an absconding co-accused? (2.5+2.5=5)

8. 'A' is arrested by a police officer B in the execution of a warrant issued against him by a court. 'A' could not be produced before the court after the arrest within 24 hours as prescribed by Section 76 because the journey from the place of arrest to the court could not be completed in less than 30 hours. Does the non-production of 'A' before the court within 24 hours make the custody of A illegal? Give reasons. (5)
9. What are the various steps a Magistrate's Court must take while committing a murder case for trial to a Sessions Court? (5)

INDIAN EVIDENCE ACT - 30 MARKS

10. 'A' was arrested for the commission of a crime. At the Police Station, 'A' informs the case IO of the location of a property that was involved in the commission of the crime. While proceeding to the location, 'A' confesses to an accompanying witness that he committed the crime and also informed him of the methods he employed in committing the crime. Discuss the legal provisions involved in this transaction along with the admissibility in evidence of the disclosures made by 'A'. (5+5=10)
11. "Section-10 of the Indian Evidence Act is an evil provision but perhaps it is a necessary evil". Discuss. (5)
12. Discuss the probative value of the confession of a co-accused with illustrations. Clarify the legal position, with relevant rulings, whether an accused can be convicted based on the uncorroborated testimony of an accomplice. (2.5+2.5=5)
13. X intentionally and falsely leads Y to believe that certain land belongs to X and thereby induces Y to buy and pay for it. The land afterwards becomes the property of X and X seeks to set aside the sale on the ground that, at the time of the sale, he had no title. Decide. (10)

LAW OF TORT – 20 MARKS

14. Discuss the law as laid down by the Wagon Mound case. (7)
15. What is the genesis and concept of the "Rule of absolute liability". (7)
16. Critically assess the essential conditions for filing a suit of defamation and the defences thereto. (3+3=6)

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