HIGH COURT OF KARNATAKA


# MAIN WRITTEN EXAMINATION FOR RECRUITMENT TO THE POST OF DISTRICT JUDGES 


CRIMINAL LAW
అびర్ధిテ చృనృను

## QUESTION PAPER

జ్త్ర
Date：14．03．2021
Max．Marks： 150
దినాంテ：14．03．2021
กెరిజ్ష్ష అంచีళళు： 150
TIME： $\mathbf{2 . 0 0} \mathbf{~ p m}$ to $\mathbf{5 . 0 0} \mathbf{~ p m}$


## INSTRUCTIONS TO THE CANDIDATES：


1）The candidates should note Rule 5（b）of the Karnataka Judicial Service（Recruitment）（Amendment）Rules， 2016 that reads as under：

## Main Examination：

The Competitive Written Examination for recruitment of
District Judges shall consist of：－
（i）Written Examination of two papers each of three hours duration with 150 maximum marks of each paper－one in Civil Law and another in Criminal Law．
（ii）It is compulsory for all candidates to answer at least one of the papers in English language and in so far as the other paper is concerned，it shall be optional for the candidates to answer the same either in English or in Kannada in which event the said paper shall be answered entirely in the language in which option is exercised．










 భాజీయుల్లి లుత్తరశుప్చ్రు.
2) If there is any difference in the question in English language and Kannada language, the question framed in English language shall prevail.


3) Write your register number only on the cover page in the space provided and nowhere else. You must not write your name or make any kind of marks disclosing your identity on any part of your answer book or additional answer book. Contravention of the above instruction will entail disqualification.





## 1. Frame the appropriate charge for trial of an accused on the basis of the following charge sheet material:

Srirangapatna Police have filed the charge sheet by alleging that accused Sridhara developed friendship with the victim girl, aged 16 years, who was a minor and told her that he would marry
her. On 02.03.2017 at about 10.30 a.m. accused called the victim girl near Kaveri River Bridge, Srirangapatna and kidnapped her on a motorbike bearing Registration No.KA-20-AB-1567 with an intention to have sexual intercourse with her and took her to the house of CW13 at Pandavapura and inspite of knowing that she was a minor, accused wrongfully confined her in that house for 5 days and had forcible sexual intercourse with her and committed penetrative sexual assault on her.

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## 2. Translate the following passage as extracted from a Judgment to Kannada language:

## 15 Marks

15 అอさగగ్ర

In dealing with Corruption cases and also bearing in mind the impact of Corruption on the society, which is spreading like a cancerous disease, the Court should be very careful and cautious in appreciating the materials on record before adverting to quash the
proceedings or discharging the accused. The Court should be vigilant to ascertain as to whether the proceedings are so vitiated and that the irregularity or illegality had prejudiced the accused and had resulted in a miscarriage of justice. Merely because there was some illegality or irregularity in the investigation or that the investigating officer had some animus against the accused or that the investigation was being supervised by a person, who was interested, cannot by itself lead to an inference that the accused had necessarily been denied a fair trial. Before an accused can in such circumstances claim that he has been prejudiced he has to indicate precisely the manner in which a fair trial has been prejudiced or denied to him.

## 3. Translate the following passage as extracted from a 15 Marks Judgment to English language:



[^1]


4. Bring about the differences between the following:-
$3 \times 5=$
15 Marks
(a) Kidnapping and abduction.
(b) Voyeurism and stalking.
(c) Hurt and grievous hurt.
(d) Robbery and dacoity.
(e) Assault and criminal force.


$3 \times 5=$
(బి) లృృంగిప డప్స ముత్తు ఃంబాలిస్టఙ్రుదు
(え) గఱయ ముత్తు ఆిల్ర గఱయ
(๕) సులిగి ముత్తు డరేండి
(ఇ) Шెట్లి ముత్తు అ山రాధిప్ బలఱ్యయిలగ
5. What is the difference between "Bail and Anticipatory Bail"? What are the conditions under which Bail can be taken in case of non-bailable offences when a person accused of/or suspected of commission of any non-bailable offence is arrested or detained. What factors must be taken into consideration before grant of an Anticipatory Bail?

[^2]6. Section 25 of the Indian Evidence Act, 1872 states "No confession made to a Police Officer shall be proved as against a 10 Marks person accused of any offences". Elucidate on the Law of

Confession with particular reference to Sections 24 to 30 of the said Act with relevant case law.




7. Section 65 A of the Indian Evidence Act, 1872 states that the contents of electronic records may be proved in accordance with the provisions of Section 65 B . Explain the procedure with regard to admissibility of electronic records with reference to the procedure contemplated under Section 65 B and Section 67 A of the Act.




8. Explain the presumptions under Sections 113 A and 113 B of the Indian Evidence Act, 1872 in the context of Section 498A and Section 304B of the Indian Penal Code, 1860 and Dowry Prohibition Act, 1961.



9. What are the orders that could be passed by a Juvenile Justice Board regarding a child found to be in conflict with law, under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 ? What are the orders that may not be passed against a child in conflict with law under the said Act?

[^3]10 అ○きた

10 Marks

10 అంపnజ్

10 Marks

10 అอపกสร

10 Marks

10 అంచnఱ
10. Write short notes on ANY TWO of the following:
(a) Motive, preparation and conduct $\begin{array}{r}2 \times 5=10 \\ \text { Marks }\end{array}$
(b) Dying declaration
(c) Victim Compensation Scheme
(d) Plea bargaining





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11. Write a judgment on the basis of following facts and evidence with reference to relevant provisions of law and case law:

The Nelamangala Rural Police have filed the charge sheet by alleging that the accused has committed an offence punishable under Section 302 of Indian Penal Code.

## Facts of the Case:

Accused and deceased Rajesh were working on the land belonging to one Akbar (Complainant) at Dabaspete and all of them were staying in a hut put up on that land. On 29.05.2015 at about 10.00 p.m. the accused picked up a quarrel with deceased Rajesh suspecting that deceased had illicit connection with the wife of the accused and assaulted him with a chopper on his head, chest and legs, due to which deceased sustained fatal injuries and died at the spot.

On the basis of the complaint lodged by complainant (CW1) Nelamangala Rural Police registered FIR in Crime No.212/2015 and
the Investigating Officer visited the spot and drew the spot mahazar and collected the sample mud and mud mixed with blood from the spot and shifted the dead body of the deceased to the Government Hospital, Nelamangala and conducted the inquest panchanama and arrested the accused, recorded his voluntary statement and T-shirt and chopper used for commission of offence were seized and sent to the forensic laboratory. After completion of investigation, CW. 11 filed the charge sheet against the accused.

The Court took cognizance and accused was produced before the Court and was remanded to Judicial Custody and framed the charge against the accused. Accused pleaded not guilty.

To bring home the guilt of the accused, prosecution examined 6 witnesses as PW1 to 6 and marked Ex.P1 to P8 documents and MO1 to 4 Material Objects.

## Evidence of the Prosecution:

CW1 Akbar, who was examined as PW1, deposed that they own land at Dabaspete and the accused, deceased Rajesh and a few others were working on the said land and all of them were staying in a hut put up on that land. PW1 further deposed that on 30.05.2015 he received information about the quarrel between accused and deceased Rajesh on their land and when he visited the spot, he found the dead body of deceased Rajesh. PW1 further deposed that immediately he went to the Nelamangala Rural Police Station and lodged a complaint as per Ex.P1. PW1 further deposed that on the same day police came to the spot and drew a mahazar as per Ex.P2 and collected the sample mud (MO1) and mud mixed with blood (MO2) from the spot. PW1 further deposed that
subsequently he came to know that deceased had illicit relationship with the wife of the accused due to which he had killed him.

During the course of his cross examination PW1 denied the suggestion that nobody had informed him about the quarrel between accused and deceased and neither of them were working in his land: PW1 denied the suggestion that there was no such illicit connection between the wife of the accused and deceased. PW1 denied the suggestion that no mahazar was drawn in his presence and MO1 and 2 were not recovered from the spot in his presence. PW1 denied the suggestion that he had lodged a false complaint.

CW2 Aslam was examined as PW2 and he deposed that Nelamangala Police had shown the accused to him in the Police Station and there after accused took them to a land in Dabaspete and had shown the hidden T-shirt (MO3) and chopper (MO4) and same were recovered by drawing a mahazar as per Ex.P3.

PW2 during the course of his cross examination denied the suggestion that accused was not in the Police Station and he had not taken them to any place and MO 3 and 4 were not recovered at the instance of the accused.

CW7 Ramesha who was examined as PW3 deposed that Police had drawn the inquest panchanama on the dead body of deceased Rajesh at Government Hospital, Nelamangala as Ex.P4.

PW3 during the course of his cross examination denied the suggestion that no inquest panchanama was drawn in his presence and he put the signature for the said panchanama in the Police Station.

CW9 Dr.Sumanth was examined as PW4 and he deposed that on 31.05.2015 between $10.00 \mathrm{a} . \mathrm{m}$. and 12.00 noon he conducted the port mortem on the dead body of Rajesh and issued the PM report as per Ex.P5. PW4 further deposed that he noticed external injuries on the skull, chest, hands and legs of the dead body which can be caused due to assault with a chopper like MO4.

During the course of his cross examination PW4 denied the suggestion that injuries mentioned in Ex.P5 PM report cannot be caused by MO4 chopper. PW4 denied the suggestion that as per the request of the Police, he has given a false report as per Ex.P5.

CW10, Nataraj who was examined as PW5, deposed that when he was working as PSI at Nelamangala Rural Police Station on 30.05.2015 at 11.00 a.m. CW1 appeared before the Police Station and lodged a compliant as per Ex.P1, on the basis of which he had registered the FIR as per Ex.P6 and handed over the file to CW11 for further investigation.

During the course of investigation PW5 denied the suggestion that on the basis of the false complaint he had registered a false case without any enquiry and verification.

CW11, Rudrappa who was examined as PW6, deposed that during the year 2015 he was working as a Circle Inspector of Police at Nelamangala Rural Police Station and on 30.05.2015 he received the file relating to this case from CW10 and continued further investigation and proceeded to the spot and drew the spot mahazar and recovered MO1 and 2 from the spot. PW6 further deposed that he sent the dead body to the Nelamangala Government Hospital and
drew a inquest mahazar as per Ex.P4. PW6 further deposed that on 01.06.2015 he had arrested the accused and recorded his voluntary statement as per Ex.P7 and on the basis of which, accused took them to the spot and showed the hidden $T$-shirt(MO1) and chopper(MO2) and same were seized by drawing a mahazar. as per Ex.P3. PW6 further deposed that he had sent the MO1 to 4 to the forensic laboratory and after getting the PM report(Ex.P5) and FSL report(Ex.P8) and after completion of investigation he had filed the charge sheet.

During the course of his cross examination PW6 denied the suggestion that he had not visited the spot and not recovered MO1 and 2 and Ex.P2 mahazar was prepared in the Police Station. PW6 also denied the suggestion that he did not conduct the inquest panchanama as per Ex:P4 in the hospital. PW6 denied the suggestion that accused had not given any voluntary statement before him and no recovery was made in pursuance to his statement. PW6 denied the suggestion that MO3 and 4 were created for the purpose of this case. PW6 denied the suggestion that without proper investigation he filed a false charge sheet against the accused.

## List of witnesses examined on behalf of the prosecution:

1. CW1 / PW1 - Akbar
2. CW2 / PW2 - Aslam
3. CW7 / PW3 - Ramesh
4. CW9 / PW4 - Dr.Sumanth
5. CW10 / PW5 - Nataraj
6. CW11 / PW6 - Rudrappa

## List of exhibits marked on behalf of the prosecution:

1. Ex.P1-Complaint
2. Ex.P2 - Spot and Recovery mahazar
3. Ex.P3 - Recovery Mahazar
4. Ex.P4 - Inquest Panchanama
5. Ex.P5 - PM Report
6. Ex.P6 - FIR
7. Ex.P7 - Voluntary Statement of the accused
8. Ex.P8 - FSL Report

## List of material objects:

1. MO1 - Sample Mud
2. MO2 - Mud mixed with blood
3. MO3-T-shirt
4. MO4 - Chopper

The statement of the accused under Section 313 of Code of Criminal Procedure, was recorded and accused denied the incriminating evidence against him as false and did not offer any defence evidence.

## ARGUMENTS FOR THE PROSECUTION

The learned Public Prosecutor argued that the prosecution has let in evidence to prove the guilt of the accused by examining the PW1 to 6 and by producing the documents as per Ex.P1 to 8 and MO1 to 4. It was further argued that though all these witnesses were cross examined by the learned counsel for the accused, no material aspects were brought out from their cross examination. It was further argued by the learned Public Prosecutor that the evidence let in by the prosecution is free from any infirmity and
would establish the case of the prosecution beyond all reasonable doubt. Therefore, the learned Public Prosecutor prayed to convict the accused.

## ARGUMENTS FOR THE ACCUSED

The learned counsel for the accused argued that evidence let in by the prosecution is full of material contradictions, variations and discrepancies. It was further argued by the Counsel for the accused that there is no direct evidence to prove the guilt of the accused and evidence let in by the prosecution miserably failed to connect the circumstances to bring home the guilt of the accused. On all these grounds, learned counsel for the accused prayed to acquit the accused by extending the benefit of doubt to him.
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 సల్లిసిద్దురు.






 Шృృతైట్టిర్దుుు.















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 నిరాఈరిసిద్దారి.




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 ळస్తుంతరిసిడ్ది ఎస్నుతలరఠరే.















 టెట్టియస్ను శల్లిసిశ్దా ఎండు గార్ష్ష సుఱియుత్తారె.










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1．నిలరని టి． 1 －ఫిర్యాది

3．నిలానె 山ి． 3 －అమునెప్తు యూలむజరా
4．నిలరనే むి． 4 －すむ 山்ంఙనా山ే





## ఘ్మద్డే షృలు జీక్రి：

1．ఝు．ஸ゙． 1 －యృదారి ஹుణ్ణు
2．山ు．山ో． 2 －రేత్తమిక్రిత 山ుణ్ణు
3．ఋు．ఘల． 3 －టిొశోటో
4．ఢొ．ひల． 4 －चత్త




## అభియినలజనేయి జుర దాద్











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[^0]:     దిలఁషారీอఁజణేయున్ను రలపిః:
    
    
    
    
    
    
    
    
    

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