

B.A. LL.B (Hons.) DEGREE FIFTH SEMESTER EXAMINATIONS, NOVEMBER 2018

CODE OF CRIMINAL PROCEDURE, 1973; JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2015 AND PROBATION OF OFFENDERS ACT, 1958

Time: 3 Hours

Maximum Marks: 50

Answer ALL questions. Each question carries TEN marks

(5x 10 = 50)

- I. Elaborate on the important guidelines on First Information Report (FIR) issued by the Supreme Court bench consisting of Justice Dipak Misra and Justice Nagappan in *Youth Bar Association of India Vs Union of India and Others*. (Writ Petition (Crl) No. 68 of 2016).

OR

- II. "With the Sabarimala women entry controversy simmering ahead of the peak pilgrim season, the Kerala State Cabinet decided to appoint a full-fledged coordinator with powers of Additional District Magistrate to coordinate the functioning of all government departments and agencies at Sabarimala, Pampa and Nilackal. This is for the first time that the government is appointing a full-time coordinator with powers of a magistrate under Section 20(2) of the Code of Criminal Procedure." (The Hindu, dated 07.11.2018). What role does an Executive Magistrate play as contemplated by the Code of Criminal Procedure, 1973, in such a situation?

- III. Arun, Inspector of Police receives information regarding the murder of Mr. Arul Singham in his jurisdiction and proceeds to the spot after registering an FIR. Mr. Arul Singham was found dead in his house leaving behind a huge fortune. Stepping into shoes of the I.O, how would you investigate into the matter? Elaborate on the various steps that you would take in this case.

OR

- IV. "The National Police Commission in its Third Report referring to the quality of arrests by the Police in India mentioned power of arrest as one of the chief sources of corruption in the police" (As quoted in the Law Commission of India Consultation Paper on law Relating to Arrest). In light of the above statement elaborate on the importance of decisions in *D K Basu vs. State of West Bengal* (AIR 1997 SC 610), *Joginder Kumar vs. State of U.P* (AIR 1994 SC 1349) and *Rajesh Sharma and ors. Vs. State of U.P* and *anr.* (Crl. Appeal No. 1265 of 2017 in the Supreme Court of India).

- V. "The provisions relating to maintenance under CrPC, 1973 has civil character and is primarily substantive in nature. Yet it finds place in a procedural criminal statute". Why? Examine in detail the provisions relating to maintenance under the Code of Criminal Procedure, 1973?

OR

- VI. Ankit was charged u/s 326 IPC by the Police, was arrested, produced before the Magistrate and remanded to judicial custody for 14 days. His bail application was rejected by the Magistrate. However he moved the Sessions Court for bail u/s 437 of CrPC successfully. The trial commences in the Magistrate Court. But in the meanwhile Akhil has settled in Canada and has acquired Canadian citizenship relinquishing his original Indian citizenship. Can the Trial court ensure his presence in the court during trial? Examine in detail the provisions in the Code of Criminal Procedure, 1973 to compel appearance of persons in Courts.

(Turn over)