



**MAIN WRITTEN EXAMINATION
PAPER-I (CRIMINAL) – PART – A**

SD-10%-2025 Total Marks: 50 Date: 24/01/2026 Time: 09:30 a.m. to 11:30 a.m.

Note:

1. Answer to the questions must be given in English only.
2. Please answer the questions bearing in mind the weightage of marks allotted to them.
3. Do not write or put any Sign/Mark on the question paper or on the Answer Booklet. Disclosure of identity in the Answer Booklet in any manner whatsoever, shall result in disqualification.

Q.1 Attempt the following:

[2x10 = 20 Marks]

- a) Discuss the admissibility with exceptions and extent to which confessions made before police are admissible. Discuss with statutory provisions and case law.
- b) What is the difference between 'common intention' as provided to in Section 34 of IPC and 'common object' as provided in Section 149 of IPC. Under what circumstances, vicarious liability can be fastened on the accused persons using Section 34 and Section 149 of IPC as mentioned above. If and under what circumstances, in case, charge under Section 149 is not proved against the accused persons, can it be substituted by Section 34 of IPC in the judgement, even though no charge was framed under Section 34 of IPC. Discuss with reasons preferably citing case law on the subject.

Q.2 Attempt the following:

[4x5 = 20 Marks]

- a) A private university entered into a Memorandum of Understanding with an Education Trust to hand over the management and administration of the university to the trust, as the university was facing a financial crunch. Accordingly, 'X', chairman of the trust, issued authorization letters to all concerned, duly entrusting the complainant, 'Y', with the task of liaising with governmental authorities and undertaking such activities to facilitate the effective transition of all administrative control of the university from the hands of the university management to the trust. Pursuant to the above, 'X' issued a cheque in favour of the complainant 'Y', for the services rendered by him, under the signature of 'X' as the authorized signatory of the trust. When presented by 'Y' at his bank, the Cheque was dishonoured with the endorsement 'insufficient funds'. Subsequently, a criminal complaint was filed by 'Y' against 'X' for offences under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

It was contended by 'X' that the complaint case against him is not maintainable, as the Trust, being a juristic entity and a necessary party, has not been added as a party. It was further submitted that the complaint also does not specifically state that the accused was involved in day-to-day affairs of the trust and thus, no vicarious liability could be fastened on the accused 'X'.

On the other hand, the complainant 'Y' has argued that the accused "X" himself is the chairman of the Trust and manages the affairs of the Trust and issued the cheque in that capacity, and as such, there is no need to specifically aver the same. Further, the Trust is not a separate legal entity; a complaint against 'X' without adding the Trust as an accused is maintainable.



Decide about the maintainability of the criminal complaint in light of the rival submissions and the relevant law and case laws on the subject.

- b) What factors/parameters are required to be taken into consideration for determining whether the juvenile delinquent should be tried as an adult or not before the Children's Court?
- c) 'A' had fixed up an electrically charged naked copper wire around his agriculture field, without any written warning board or sign, with a view to prevent the entry of intruders into his field. The deceased, 'B', while trying to illegally enter into the field, came in contact with the live wire and died because of electrocution. 'A' had earlier a number of times protested against the illegal entry of the trespassers and made it clear to them that they did not have the permission to enter into the field. As they did not pay heed to the oral warnings of 'A', 'A' fixed up the above-mentioned electric wire.

Whether 'A' is liable for committing any offence? Decide with reasons and statutory provisions.

- d) Daughter-in-law of the accused suffered 70% burns while working. She was taken to the hospital by her husband. At the time of admission, she told the doctor that her clothes caught fire while cooking on the stove. After some time, she made a statement to another doctor wherein she implicated only her mother-in-law as having sprinkled kerosene on her and having set her on fire. A third statement was made by her the same night before the Superintendent of Police to the effect that she was set on fire from behind by somebody, maybe her parents-in-law. In the fourth statement made before 3 doctors the next day, she implicated both her parents-in-law as having poured kerosene on her and having set her on fire. She had stated that she was rescued by her husband, who brought her to the hospital. Subsequently, she succumbed to the burn injuries. Her husband who was examined as a defence witness, supported the defence version that his parents were away at the temple when the incident of burning took place.

What rule of precaution should be followed when there is more than one dying declaration? Decide the admissibility with reasons and preferably with reference to case law.

Q.3 Explain in brief Any Four of the following:

[4x2.5 = 10 Marks]

- a) Scope of re-examination of a witness.
- b) Procedure for recording the evidence of a dumb and deaf witness.
- c) Evidentiary value of contradiction.
- d) Tender of pardon.
- e) Explain what 'Victim' means under the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023.
- f) Evidentiary value of brain mapping, voice spectrography, and narco-analysis test of the accused.
- g) Remission and suspension of sentence.
- h) Explain cheque, bill of exchange, and promissory note.



**MAIN WRITTEN EXAMINATION
PAPER-I (CRIMINAL) – PART – B**

SD-10%-2025 Total Marks: 50 Date: 24/01/2026 Time: 12:30 p.m. to 02:30 p.m.

- Note:** 1. Judgements must be written in English only.
2. Do not write or put any Sign/Mark on the question paper or the Answer Booklet. Disclosure of identity in the Answer Booklet in any manner whatsoever, shall result in disqualification.

**Write well reasoned judgements on the basis of the facts, evidence and details given hereunder.
Attempt Any Two of the following: [2x25 = 50 Marks]**

Q.1. On 10.02.2011, PSI, 'X', who was on patrolling duty, received information that a dead body of an unknown person was lying near Aji Dam, Rajkot. He accordingly went to the spot and found a dead body of an unknown person with injuries that appeared to be caused by a sharp-edged weapon. A motorcycle was also found lying nearby, which was later discovered as that of the deceased. He immediately informed about the said fact to the PI of P.S. Aji Dam as well as the ACP. Accordingly, an FIR was registered bearing No. CR I-15/11 for the offences under Section 302 of IPC against the unknown persons. After investigation, a charge-sheet was filed against two persons under Sections 302, 398 and 188 read with Section 114 of IPC.

The prosecution has examined as many as 12 witnesses. During the panchnama of the place of offence, one amputated thumb was found, which later on was connected to the accused 'A', as per the DNA report placed on record as exhibit '5'. No report of drawing his blood for the said purpose was placed on record, but the IO in his deposition affirmed the fact of matching DNA. As per the case of prosecution, the accused 'A', whose thumb was amputated, dashed his motorcycle with that of the deceased, and the other co-accused 'B' then snatched the cash and mobile from the deceased and then stabbed him in the abdomen and chest. As per the post-mortem report, the cause of death was due to injuries caused by a sharp-edged weapon and the injuries were ante mortem in nature and were sufficient in the ordinary course of nature to cause death. The accused 'A' also went to stab the deceased, but in that process his thumb was amputated accidentally with the knife in the hand of the co-accused 'B'. In the panchnama of the body of the accused 'A', the fact of the amputated thumb was not mentioned. Even in the FIR, the amputated thumb was not shown lying at the place of offence. In the statement of accused recorded under Section of Cr.PC, accused 'A' could not give an explanation for the amputated thumb found at the scene of the offence.

Q.2. A complaint was lodged by 'X' alleging that he was working in a bank, and there he came in contact with "A1", who had shown his interest in availing a bank loan. In this regard, he was called to a place from where he was kidnapped by "A1" and four other accused persons, and after kidnapping, he was wrongfully confined and was undressed and was assaulted by kicks and fist blows as well as by using lathi and belt by the accused persons, and thereafter, "A1" took his nude photographs, and he was blackmailed, and a cash of Rs.20,000/- and other belongings were taken from him.



Accordingly, an FIR for the offences under Sections 365, 367, 342, 384, 377, 392, 323 & 506(1) read with Sections 34 & 114 of IPC was registered against the accused persons. The injury certificate of the complainant reflected multiple simple injuries in the nature of bruises and abrasions. Another certificate from a different private hospital indicated a fracture of the 5th meta tarsal. During the investigation, personal belongings of the complainant, including the nude photographs and the vehicle allegedly used in the commission of crime were seized. After investigation, a charge-sheet was filed against all five accused persons for offences as mentioned above. The prosecution examined as many as 15 witnesses to prove its case. During the evidence, the complainant reiterated the allegations made in the complaint, and the other witnesses also supported the case of the prosecution. In their further statement recorded under Section of Cr.PC, the accused persons denied the allegations and stated that they were falsely implicated.

It was argued on behalf of the accused persons that the complainant was not known to all the accused persons and did not describe the physical description of the accused persons or the identification mark, the Test Identification Parade was conducted by the Executive Magistrate in a dubious manner, and the seized material was planted on them. It was further argued that the testimony of the complainant does not inspire confidence and, as such, cannot be solely relied upon. There is no evidence to prove the criminal acts of the accused persons, as no specific allegations were levelled qua each of the accused persons. Apart from the testimony of the complainant, there is no evidence to prove the alleged acts. There was a delay in lodging the FIR as the same was lodged 8 days after the alleged incident, for which no satisfactory explanation was given by the complainant. The panch witnesses were stock witnesses, and the independent witnesses of the nearby locality, though available, were not cited as witnesses as the alleged place of offence is a crowded area.

Per contra, it was argued on behalf of the State that the accused persons have not pleaded any previous animosity with the complainant, and the complainant has no reason to falsely implicate them. Further, medical reports confirmed the injuries to the complainant. The robbed amount as well as the photographs taken by the accused persons were recovered from them. Further, the accused persons were identified by the complainant during the Test Identification Parade as well as in the Court, and there is no reason to disbelieve the testimony of the complainant, especially in view of the other material proved on record. Further, the complainant has explained the delay in lodging the FIR as he was under treatment and was threatened by the accused persons with dire consequences if he lodged FIR.

Q.3. On 12.04.2019, the complainant 'X' gave a complaint alleging that the Accused No. 2 (A2), armed with an iron pipe along with two other accused persons, assaulted the deceased 'Y'. Further, the accused No. 3 (A3) had squeezed the testicles of the deceased, and thereby he succumbed to the injuries. Accordingly, an FIR was registered for the offences punishable under Sections 302, 34, 506(2) and Section 323 of IPC as well as under Section 135 of the Gujarat Police Act. As per the post-mortem report, there were no external injuries on the body of the deceased, and the cause of death was shock due to haemorrhage and due to rupture of the spleen. The doctor specified that there were no external injuries on the deceased person. After investigation, a charge-sheet was filed against the accused persons for offences as mentioned above.

The prosecution has examined as many as 15 witnesses. As per the evidence of the complainant and the other eyewitness, accused No. 1 (A1) gave fist blow, A2 assaulted the deceased with iron pipe blow on his chest & abdomen, and A3 squeezed the testicles of the



deceased, leading to his death. The Panchas of the discovery panchnama of the iron pipe turned hostile. IO did not state the contents of the discovery panchnama word by word but deposed that the panchnama was prepared in the presence of the panchas and as per the facts narrated by the A2 and also identified his signatures on the same.

It was argued by the Ld. Counsel for the accused persons that, as per the post-mortem report and the deposition of the doctor, there were no external injuries on the body of the deceased, the spleen of the deceased was enlarged, and the enlarged spleen becomes fragile and brittle. A person having an enlarged spleen is vulnerable to rupture of such spleen by even coughing or falling down. The doctor in his evidence further stated that the spleen is protected by ribs, muscles and skin, and rupture of normal skin requires grinding force. The doctor further admitted that if a person is injured by an iron pipe, the injuries in the nature of laceration, contusion, and abrasion would be found on the injured person, and if fist blows are given on the soft part of the person, then there will be visible marks on the injured person. The Ld. Counsel further argued that the persons who took the deceased to the hospital with the complainant were not made witnesses purposely by the prosecution. The complainant, being the maternal uncle of the deceased, is an interested witness and is not reliable, and the accused persons are liable to be acquitted.

Per contra, the Ld. APP has argued that it is not necessary that the injury marks be visible from assault by iron pipe because of the clothes worn by the deceased. Similarly, fist injuries are also not likely to be visible. In such a scenario, given the position of the spleen. It is submitted that there is no reason to disbelieve the testimony of the complainant, who was the eyewitness, merely because he was related to the deceased. If the spleen could rupture by a fall, then certainly it would rupture from a fist blow or a blow from an iron pipe.
