



# **Bar Council of India 20<sup>th</sup> Qualifying Examination for Indian Nationals Holding Foreign Law Degrees**

## **Paper – V – Criminal Procedure Code**

**Date: 07.06.2024**

### **PART - A**

**Answer any 5 of the following:**

**(5 x 5 = 25)**

1. Explain the procedures which have to be followed when warrant remains unexecuted.
2. Explain the limitation on the powers of the Magistrate to take cognizance of an offence relating to defamation and marriage.
3. Explain the provisions relating to tender of pardon to approver under the Code of Criminal Procedure.
4. Explain the provisions of the Code of Criminal Procedure relating to disposal of property pending trial.
5. Briefly examine the provisions of the Code of Criminal Procedure relating to maintenance of wives, children and parents.
6. Explain the provisions regarding remission and commutation of sentence under the Code of Criminal Procedure.

### **PART - B**

**Answer any 3 of the following:**

**(3 x 15 = 45)**

7. 'X' has been charged with theft. It also appears that the offence of criminal breach of trust or that of receiving stolen property has been committed by him. Can 'X' be convicted of criminal breach of trust or that of receiving stolen property? Examine the above-mentioned problem and decide with reference to statutory provisions and decided cases.
8. An accused 'X' is arrested in a bailable offence and he is released on bail. During trial, he absconds and non-bailable warrant is issued against him. The police arrest him and produce him before the court. The defence counsel pleads for his release on bail under Section 436(1) of the Criminal Procedure Code. Whether court can release 'X' on bail or not. Examine the above-mentioned problem and decide with reference to statutory provisions and decided cases.



9. 'X' is carrying on the licenced trade of selling liquor, adjacent to New Delhi Railway Station. X's servants openly soliciting public to consume liquor in a manner causing discomfort to the public. The noise caused by selling liquor caused discomfort to the people living in the locality and pedestrians. Executive magistrate on receiving the information passes an order under relevant provisions of the Criminal Procedure Code restraining 'X' from selling the liquor. 'X' challenges order.

Examine the above-mentioned problem and decide with reference to statutory provisions and decided cases.

10. 'X', a police officer reasonably suspects that 'Y' is a deserter from the Army. In consequence of his reasonable suspicion, he arrests 'Y' without an order from a Magistrate and without a warrant. Is the arrest made by 'X' legal?

Examine the above-mentioned problem and decide with reference to statutory provisions and decided cases.

### PART - C

Answer any 1 of the following:

(1 x 30 = 30)

11. What are the main functions of the Executive Magistrate under the Code of Criminal Procedure? Examine the effect of the fact that despite constitutional directives, Executive Magistrate's courts have been put under the Code of Criminal Procedure retaining the control by the State Government with the help of relevant provisions and decided cases.
12. Explain the meaning and purpose of 'Investigation' with reference to relevant provisions of the Code of Criminal Procedure. Distinguish between 'Investigation', 'Inquiry and Trial', giving illustrations of each of these three proceedings.