

UTTARAKHAND HIGHER JUDICIAL SERVICE EXAMINATION – 2014

Paper No. 3

Maximum marks –100

Time : 2 hours.

- Note: 1. Credit will be given to the answers supported with case laws and relevant provisions of law.
2. The candidate has a choice to answer the questions either in Hindi or in English.
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DRAFT CHARGE/ISSUES

- Q.1. (a) Draft a charge with one head relating to offence punishable under section 307 of Indian Penal Code, 1860.
(5 marks)
- (b) Frame issues relating to pleas of desertion and cruelty, denied by opposite party, in a suit for divorce.
(5 marks)

EVIDENCE ACT

- Q.2. Is the child witness, a reliable witness? What precautions are to be observed by the Presiding Officer of a Court –
(i) When a child witness enters the witness-box?
(ii) While evaluating the evidence of a child witness?
(10 marks)
- Q.3. “Oral Evidence in all cases must be direct”. Explain this Rule with illustrations and exceptions.
(10 marks)
- Q.4. ‘A’ appeared as a witness for the prosecution. During cross examination it was suggested that he had earlier admitted before accused that he had not seen the occurrence and that he was pressurized by police to appear as witness. On his denial, he was confronted with tape recorded conversation. ‘A’ denied that it was his voice. Therefore, the accused moved the application before the court that witness should be called upon to get his voice tape-recorded so that comparison could be done between his sample voice and his alleged tape recorded voice. Can the witness be issued any such

direction? If so, under what provisions of Indian Evidence Act?

(10 marks)

CODE OF CIVIL PROCEDURE

- Q.5. (a) What is the scope of Order XXXVIII Rule 5 C.P.C.?
(b) Describe in brief the Salient features of Order XVIII C.P.C.
(5 marks each)

Q.6. Discuss the circumstances under which the parties to a civil appeal are entitled to produce additional evidence. What is the mode of taking such additional evidence?

(10 marks)

Q.7. Are the following liable for attachment and sale in execution of a decree? Support your answers with reasons and provision of law. No credit will be given for just writing 'Yes' or 'No' as an answer.

- (i) A mere right to sue for damages;
- (ii) Salary of a person;
- (iii) Wages of labourers
- (iv) Government securities
- (v) Hundies and promissory notes

(10 marks)

CODE OF CRIMINAL PROCEDURE

Q.8. Whether a Criminal Court can ask any accused to give specimen signature or handwriting? Discuss with exceptions, if any.

(10 marks)

Q.9. Who can maintain an appeal against an order of acquittal? Discuss in the light of latest amendments.

(10 marks)

Q.10. What is the concept of 'Victimology'? How the same is reflected in the Code of Criminal Procedure, 1973?

(10 marks)