


Name: Enrolment No:			
UPES End Semester Examination, December 2023 Course: Law of Crimes II: CrPC Semester: III Program: LLB Time: 03 hrs. Course Code: CLCC 2012 Max. Marks: 100 Instructions: 1. Read the questions thoroughly and answer all of them. 2. The answer should be <i>reasonably</i> brief and should not be of excessive length. 3. Substantiate your answers with case-laws whenever required.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q1	What is the effect of the prosecuting officer's decision to withdraw the charges against the accused? Can she/he do that against the advice of the court?	2	CO 1
Q2	In which of the following cases is compounding of an offence not possible? a) Where the person eligible to compound is dead or of unsound mind or a minor. b) Where the trial has concluded and an appeal or revision is pending. c) Where accused has previously been convicted of the same offence. d) Where the offence is one <i>not specifically</i> mentioned under sec. 320.	2	CO 1
Q3	Which of these rights of a victim/accused under CrPC is also a Fundamental Right under Part III of Constitution of India? a) Right to compensation in certain cases wherein because of an offence another fundamental right of victim is violated.	2	CO 1

	<p>b) Right of expeditious trial in a time-bound manner (though no upper time limit of trial is provided).</p> <p>c) Right to fair and impartial hearing and legal aid where the accused is economically unable to afford.</p> <p>d) Right not to be charged again of the same offence or on the same facts for which a charge could have been framed in previous trial, when acquitted earlier on those charge/facts.</p>		
Q4	Mention any 4 specifications/observations that need to be mentioned in the Police Report forward to magistrate under Sec. 173 CrPC.	2	CO 1
Q5	<p>There exist certain inherent powers of a criminal court to prevent abuse of process of law or to secure the ends of justice in a case.</p> <p>Which court mentioned under Sec.6 can exercise these inherent powers under code?</p>	2	CO 1
SECTION B (4Qx5M= 20 Marks)			
Q6	State the limitation on the power of state government/ central government in commutation of sentence as mentioned under Sec. 433A.	5	CO2
Q7	<p>Mention briefly the provisions on medical examination of accused.</p> <p>Also state whether in your opinion and in light of judicial decision, would asking her/him to submit her/his bodily fluids for medical testing violate any of her/his Fundamental Rights?</p>	5	CO2
Q8	Which court and under what circumstances, has the power to call upon the accused to provide security for maintaining peace in the society after her/his conviction for an offence.	5	CO2
Q9	<p>The law relating to the power of courts to adjourn the proceedings has seen transformative amendments in the recent years with a view to reduce expedite the criminal trial and reduce the pendency of cases.</p> <p>Do you agree with the above statement. If yes, state your reasons in reference to sec. 309.</p>	5	CO2
SECTION-C (2Qx10M=20 Marks)			

Q10	<p>It is trite that <i>result</i> of investigation itself can never be final legal evidence.</p> <p>In the case of Vijender etc. Vs. State of Delhi (1977), Hon'ble Supreme Court made the following comments reflective of the above statement:</p> <p>"The reliance of the trial Judge on the result of investigation to base her findings is patently wrong. If the observation of the trial judge in this regard is taken to its logical conclusion it would mean that a finding of guilt can be recorded against an accused without a trial, relying solely upon the police report submitted under section 173 CrPC, which is the outcome of an investigation. The result of investigation under chapter XII of the Criminal procedure code is summed up in a conclusion that an investigating officer draws based on materials collected during investigation and such conclusion can only form the basis of a competent Court to take cognizance and to proceed with the case for trial. <i>The trial begins on the basis of evidence gathered during investigation; but cannot simply conclude solely on the evidence so collected.</i></p> <p>A) On the basis of above observation, explain and analyses if the observations made by court are correct in your legal opinion. and briefly illustrate what is the purpose of Police Report submitted to magistrate.</p> <p>B) If the investigation officer submits the opinion that no offence has been committed by the accused person and recommends his discharge, what is the option available with Magistrate in such case.</p>	10	CO3
Q11	Briefly describe in what cases does a police officer can make a <i>general</i> search of the premises of a suspected place.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q12	Ms. Ritika, a social activist, has been actively involved in highlighting environmental issues and recently organized a protest against an industrial project being undertaken by a private company in Aligarh that allegedly poses severe ecological threats on the nearby Pilibhit Tiger Reserve. On the third day of the protest, Ms. Ritika gave a powerful		

	<p>inspiring speech to the protesters and imputed certain allegations of environmental malfeasance against the Corporation Board. Following the speech, Protests become aggressive and broke the out gate of the company office and vandalized the reception premises. The business group filed a criminal complaint against her, accusing her of inciting violence and disrupting public order during the demonstration Sec. 147, Indian Penal Code.</p> <p>Ms. Ritika, fearing imminent arrest, decides to file an anticipatory bail application under Section 438 of the CrPC before the Sessions Court of Aligarh. The local police, in the meantime has made investigation into the complaint filed by the corporation and claims to have sufficient evidence to establish Ms. Ritika's involvement in the alleged offenses.</p> <p>However, the court denies her the bail under the said provisions of CrPC and on the basis of apprehensions disclosed in the bail application, court of sessions order her immediate arrest.</p> <p>Critically Analysis the facts and answer the following questions based on your opinion:</p> <ol style="list-style-type: none"> 1. Whether, in your opinion, Ms. Ritika’s anticipatory bail application has been wrongfully denied by the court of session? What are the factors that the court must weigh before granting/denying a bail under sec. 438 CrPC? 2. What course of action would you suggest to Ms. Ritika as her defense lawyer after such denial of bail? Can such a ‘decision’ of court be appealed? 	25	CO 4
Q13	<p>Prafull and Mr. Fristo, are neighbours in a residential area, engage in a heated argument over a property dispute. The disagreement escalates, and Prafull files a criminal complaint against Mr. Fristo, accusing him of criminal trespass, assault, and criminal intimidation. The police investigate the matter and find sufficient evidence to support the charges.</p> <p>As the case progresses, both parties realize the implications of a prolonged legal battle on their personal and community relations. They express a mutual desire to resolve the matter amicably. Prafull is willing to compound the criminal complaint if an agreement can be reached with Mr. Fristo.</p>	25	CO 4

	<p>All the three offences for which complaint was made are compoundable under sec. 320 CrPC without the permission of court. The offences were thus, duly compounded by the parties and the same was recoded before the magistrate. Seven months later, another dispute erupts between the two related to the use of their properties involving Criminal intimidation and Assault. Prafull lodges a prompt FIR within his jurisdiction.</p> <p>In the backdrop of this factual situation, critically examine the possibilities of compounding the offenses under Section 320 of the CrPC in this case. Particularly discuss the effect of the compounding of offences committed under the same section of Indian Penal Code which is done on the previous occasion on current situation.</p> <p>Additionally, analyses if in your opinion, if the law relating to compounding has adverse implications on the criminal justice system in India.</p>		
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