

## LL.B. (Hons.) (Semester – IX) Examination, April 2016

## CIVIL PROCEDURE CODE

Duration : 3 Hours

Total Marks : 75

**(Instructions :** 1) Q. No. 13 and Q. No. 14 are **compulsory**.

2) Answer **any eight** questions from Q. No. 1 to Q. No. 12.

3) Figures to the **right** indicate **full** marks.

1. "Suits of civil nature shall be tried by civil court". Explain. (8×8=64)
2. "No court shall proceed with the trial of any suit in which the matter in issue is previously pending in the same or any other court in India". Explain.
3. What is constructive Res judicata ? Explain with the help of case laws.
4. Discuss and enumerate the importance of the concept of foreign judgment in CPC.
5. Write a note on jurisdiction with special reference to pecuniary and territorial jurisdiction.
6. What is representative suit ? Elaborately discuss the rules concerning representative suit.
7. "If a party finds it necessary, they can make changes in the pleadings with the permission of the court. Such changes are allowed before or during trial". Comment.
8. What is counter claim ? Distinguish it from set off.
9. Discuss importance of 'discovery' and 'interrogatories' in civil proceedings.
10. "The power of the court to issue commission is discretionary and can be exercised by the court for doing full and complete justice between the parties". Explain.



11. "In a suit by or against minor, the law has been enacted with the principle that it has to protect the interest of the minor as a paramount importance". Comment.
12. Discuss :
- a) Reference
  - b) Review
13. Write short note on **any two** : **(3x2=6)**
- a) Restitution
  - b) Caveat
  - c) Inherent power of the court
14. Write short note on **any two** : **(2.5x2=5)**
- a) Interpleader suit
  - b) Costs
  - c) Attachment of property.

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**LL.B. (Hons.) (Semester – IX) Examination, April 2016**  
**CRIMINAL PROCEDURE CODE**

Duration : 3 Hours

Max. Marks : 75

- Instructions :**
- i) Answer **any eight** from Q. No. 1 to 12. **(8×8=64 Marks)**
  - ii) Answer to Q. No. 13 and 14 are **compulsory**. **(6+5=11 Marks)**
  - iii) **Each** answer should begin on a **fresh** page.
  - iv) Mention question number **correctly**.
  - v) Figures to **right** indicate marks.

1. Write a note on :
  - a) Compoundable Offence
  - b) Search with Warrant. 8
2. "Public Prosecutor is representative of State and not of Police". Explain the qualifications and appointing authority of Public Prosecutors and real role of prosecutors in representing State under Criminal Procedure Code. 8
3. "In a Criminal Law the rights of the arrested person are basically part of human rights" explain rights of arrested person under Criminal Procedure Code. 8
4. Explain the importance of Remand and procedure to be followed by magistrate while remanding the accused under Criminal Procedure Code. Can Executive Magistrate has power to remand the arrested person ? 8
5. "The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of criminal justice" – Explain the circumstances in which granting of bail is mandatory. 8
6. Discuss the meaning and importance of the first information report and examine the procedure for recording FIR. 8
7. Explain the procedure to be adopted by Session's Judge in trial of Warrant case under Criminal Procedure Code. 8
8. Describe the period of limitation for taking cognizance of offence under Criminal Procedure Code. 8
9. What is the procedure to be followed while dealing with and disposing of an Appeal ? 8



10. What are the powers conferred on the Executive Magistrate for the removal of Public Nuisance ? Under what circumstances can these powers be exercised ? 8
11. "The right to maintenance is a statutory right which the legislature has recognized irrespective of the nationality or creed of the parties" – Explain under what circumstances can wife claim maintenance from her husband ? 8
12. Elucidate the rule that "for every distinct offence there should be a separate charge and each such charge should be tried separately". Briefly explain the exceptions to the above rule. 8
13. Answer **any two** of the following : (2×3=6)
- Inherent powers
  - Bailable and Non-bailable Offence
  - Form and Content of Judgment.
14. Answer **any two** of the following : (2×2.5=5)
- Instruction – Refer to appropriate statutory provisions and judicial decisions. Emphasis must be on reasoning.
- Ramesh filed a petition before an executive magistrate on 5-6-2014 alleging that on 3-6-2014 Kishan had forcibly dispossessed him from land which was in his possession. After enquiry, Executive Magistrate found that Ramesh was in possession of property till he was dispossessed by Kishan. Magistrate also found that Ramesh had no title over the property but Kishan had a valid title. What should the Magistrate do ?
  - A is charged with by a magistrate of the second class with and convicted by him of theft of property. Can A subsequently be charged with and tried for robbery on the same facts by Judicial Magistrate First Class ?
  - High Court of Mumbai at Goa convicted 'A' and sentenced him of imprisonment of 6 months and fine of Rs. 1,000/-. A wants to file an appeal in High Court. Advice.