

# LIMITED DEPARTMENTAL EXAMINATION, 2017

## IAS/ IPS/IFS

### MCS/MPS/MFS/Jr. MCS

(CRIMINAL LAW AND PROCEDURE)

(With Books)

#### PAPER-I

Time Allowed: Two Hours

Maximum Marks: 100

#### I N S T R U C T I O N S

**DO NOT OPEN THIS QUESTION BOOKLET SEAL UNTIL YOU ARE TOLD TO DO SO**

1. Immediately after the commencement of the examination, you should check that this Test Booklet does not have any unprinted or torn or missing pages or items, etc. If so, get it replaced by a complete Test Booklet.
2. Write your Roll Number on the Test Booklet in the Box provided alongside.
3. This Test Booklet contains 100 items (questions). Each item comprises four responses (answers) written as **(a), (b), (c) and (d)**. You will select the response which you feel is correct and want to mark on the answer sheet.
4. You have to mark all your responses **ONLY** on the separate Answer Sheet provided. Also read the directions in the Answer Sheet. Fill in all the entries in the Answer Sheet correctly, failing which your Answer Sheet shall not be evaluated.
5. Count the number of questions attempted carefully and write it down in the space provided in the OMR Sheet. This has to be verified by the Invigilator before leaving.
6. After you have completed filling in all your responses on the Answer Sheet and the examination has concluded you should hand over to the Invigilator the Answer Sheet (in original). **You are permitted to take away 2<sup>nd</sup> Copy of OMR Answer Sheet and the Test Booklet.**
7. All items carry equal marks.
8. Candidature would be cancelled in case of non-compliance with any of these instructions.
9. There will be **NO PENALTY** for wrong answers.

## Question Starts:

1. 'X' and 'Y' go to murder 'Z'. 'X' stood guard with an axe in hand but did not hit 'Z'. 'Y' killed 'Z'.
  - a) Only Y is liable for the murder of Z
  - b) Both X and Y are liable for the murder of Z
  - c) X is not liable since he did not do any overt act
  - d) Both (a) and (c)
  
2. The fundamental principle of criminal liability is embodied in the maxim "*actus non facit reum nisi mens sit rea*". The maxim was developed by:
  - a) Equity Courts
  - b) Common Law Courts
  - c) Supreme Court of the USA
  - d) Courts of England
  
3. To establish section 34 of the IPC,
  - a) Common intention needs to be proved but not overt act be proved
  - b) Both common intention and overt act need to be proved
  - c) Common intention need not be proved but overt act be proved
  - d) All the above
  
4. Under section 498A of the IPC, cruelty means
  - a) Physical cruelty
  - b) Mental cruelty
  - c) Harassment of the woman
  - d) Any of the above
  
5. Which one of the following is not a "Public Servant" under IPC?
  - a) Liquidator
  - b) A Civil Judge
  - c) A member of a Panchayat assisting a Court of Justice
  - d) Secretary of a Co-Operative Society.
  
6. Sections 76 and 79 of the IPC provides for the general exception of
  - a) Mistake of law
  - b) Mistake of fact
  - c) Both mistake of law and fact
  - d) Either mistake of law or of fact
  
7. Persons falling under section 21 of IPC
  - a) Should be a public servant appointed by the Government
  - b) Should be a public servant which may not be appointed by the Government
  - c) Should be a public servant which may or may not be appointed by the Government
  - d) None of the above.
  
8. Mr. Thoiba, being legally bound to appear before the District Judge, as a witness in obedience to a summons issued by that District Judge intentionally omits to appear. Mr. Thoiba has committed the offence of
  - a) Preventing service of summons or other proceeding, or preventing publication thereof
  - b) Omission to produce document to public servant by person legally bound to produce it
  - c) Non-attendance in obedience to an order from public servants
  - d) Furnishing false evidence.

9. A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A therefore is liable to
- Imprisonment for life or imprisonment, with or without fine
  - Not liable to imprisonment for life
  - Rigorous imprisonment for a term of six years
  - None of the above.
10. Omission to assist public servant when bound by law to give assistance, is provided under
- Section 175 of IPC
  - Section 182 of IPC
  - Section 172 of IPC
  - Section 187 of IPC.
11. Under the provision of IPC, fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution shall be punished with
- Imprisonment of either description for a term which may extend to five years, or with fine, or with both
  - Imprisonment of either description for a term which may extend to four years, or with fine, or with both
  - Imprisonment of either description for a term which may extend to three years, or with fine, or with both
  - Imprisonment of either description for a term which may extend to two years, or with fine, or with both.
12. The printing or publication of the judgement of any High Court or the Supreme Court does not amount to an offence within the meaning of
- Section 222-A of IPC
  - Section 225-A of IPC
  - Section 228-A of IPC
  - Section 228-B of IPC.
13. Under the provision of section 201 of IPC, A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to
- Imprisonment of either description for seven years
  - Imprisonment of either description for seven years, and also to fine
  - Imprisonment of either description for twelve years, and also to fine
  - Imprisonment of either description for twelve years.
14. "Harbouring offender" is provided under
- Section 190 of IPC
  - Section 202 of IPC
  - Section 212 of IPC
  - Section 220 of IPC.
15. Under the provision of IPC, an order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined under
- Section 182
  - Section 188
  - Section 200
  - Section 222

16. 'Evidence' under the Indian Evidence Act, 1872 includes
- Oral evidence
  - Documentary evidence
  - Both
  - Neither
17. The Indian Evidence Act, 1872 applies to
- Proceedings before Tribunals
  - Proceedings before the Arbitrator
  - Judicial proceedings in Courts
  - All the above
18. A fact forming part of the same transaction is relevant under section 6 of the Indian Evidence Act, 1872
- If it is in issue and have occurred at the same time and place
  - If it is in issue and may have occurred at the same time and place
  - Though not in issue and may have occurred at the same time and place, or at different times and places
  - Though not in issue, but must have occurred at the same time and place
19. Admission can be
- Formal only
  - Informal only
  - Either formal or informal
  - Only formal and not informal
20. Confession of an accused is admissible against co-accused
- If they are tried jointly for the same offences
  - If they are tried jointly for different offences
  - If they are tried for the same offences but not jointly
  - If they are tried for different offences and not jointly
21. Lists of facts of which the judicial notice has to be taken under section 57 of the Indian Evidence Act, 1872,
- Is exhaustive
  - Is illustrative only
  - Is both (a) and (b)
  - Is neither (a) nor (b).
22. Which section of the Indian Evidence Act, 1872 provides the test of ascertaining on which side the burden of proof lies,
- section 101
  - section 102
  - section 103
  - section 104
23. Which of the following is true as to the standard of proof in criminal and civil proceedings
- In criminal proceedings the standard is beyond reasonable doubt and also in civil proceedings
  - In criminal proceedings the standard is beyond reasonable doubt while in civil proceedings it is 'upon the balance of probabilities'
  - In criminal proceedings the standard is 'upon the balance of probabilities' while in civil proceedings it is 'beyond reasonable doubt'
  - In criminal and civil proceedings both it is 'upon the balance of probabilities.
24. The presumption under section 109 of Evidence Act as to certain human relationship
- Is obligatory and arises irrespective of the lapse of time
  - Is permissive and operates only for a period for which the state of things which are the subject matter of presumption ordinarily lasts
  - Is obligatory and operates only for a period for which the state of things which are the subject matter of presumption ordinarily lasts
  - Either (a) or (b).

25. Presumption as to dowry death is contained in
- Section 111A of the Indian Evidence Act, 1872
  - Section 113A of the Indian Evidence Act, 1872
  - Section 113B of the Indian Evidence Act, 1872
  - Section 113 of the Indian Evidence Act, 1872.
26. The doctrine of *estoppel* is a
- Substantive law
  - Rule of equity
  - Rule of evidence
  - Law of pleadings.
27. In which of the following there is no *estoppel*
- On a point of law
  - Against a statute
  - Attestation of a deed
  - All of the above.
28. *Estoppel* operates in case of a tenant
- During the continuance of tenancy
  - Who remain in possession after the termination of tenancy by notice to quit
  - Only (a) and not (b) Both (a) and (b)
  - Both (a) and (b).
29. An accomplice is
- Not a competent witness against an accused
  - A competent witness against an accused
  - Cannot be a competent witness against an accused
  - None of the above.
30. The deciding factor under section 112 of Evidence Act is
- The date of conception of the child
  - The date of birth or conception depending on the facts and circumstances
  - The date of death of the child
  - The date of birth of the child.
31. Non-bailable offences mean
- Offences which are not bailable under the CrPC
  - Offence for which the courts do not grant bail
  - Offence for which police does not grant bail
  - All the above
32. "Police Report" means
- A Report prepared by a superintendent of police
  - A Report forwarded by a police officer to a magistrate
  - A Report forwarded by a police officer to a magistrate under any law other than the CrPC
  - None of the above
33. The article(s) for which a search warrant is issued is / are
- Counterfeit coin
  - Counterfeit currency or stamp
  - Forged documents, forged seals and obscene objects
  - All the above
34. Classification of offences given in the CrPC under
- Section 320
  - The First Schedule
  - The Second Schedule
  - Section 482.

35. When a person is arrested and interrogated by police, he is entitled to meet an advocate of his own choice
- During interrogation
  - Throughout the interrogation
  - Only (a)
  - Both (a) and (b)
36. Summon-case is provided under
- Under section 2(s) of Cr.PC
  - Under section 2(t) of Cr.PC
  - Under section 2(u) of Cr.PC
  - Under section 2(w) of Cr.PC.
37. On receipt of a complaint within the meaning of section 2(d) of CrPC , the Magistrate
- Has the jurisdiction to conduct an inquiry himself
  - Has the jurisdiction to direct the police to investigate
  - Both (a) and (b)
  - Only (b) and not (a).
38. The provisions of section 195 of CrPC are
- Directory, being procedural
  - Discretionary, depending on the facts and circumstances of the case
  - Optional for the case
  - Mandatory.
39. Under section 195 of CrPC, a complaint can be filed by
- A public servant
  - A private individual
  - Police
  - Either (a) or (b) or (c).
40. Recording of pre-summoning evidence may be dispensed with under section 200 of CrPC
- If the complaint is supported by the affidavit of the complainant
  - If the complaint is made in writing by a public servant in the discharge of his official duties
  - Both (a) and (b) are correct
  - None of the above.
41. Compensation for accusation without reasonable cause is provided under which section of CrPC?
- Section 235
  - Section 240
  - Section 245
  - Section 250.
42. Which chapter of the CrPC provides the provision of withdrawal of complaint?
- Chapter X
  - Chapter XV
  - Chapter XX
  - Chapter XXV.
43. Under section 345 of CrPC, the court may sentence the offender to fine, and, in default of payment of fine,
- To simple imprisonment for a term which may extend to one month
  - To simple imprisonment for a term which may extend to three months
  - To simple imprisonment for a term which may extend to six month
  - To simple imprisonment for a term which may extend to one month, unless such fine be paid sooner.

44. Which classification of offence comes under Criminal Procedure Code?  
 a) Cognizable & Non-Cognizable  
 b) Bailable & Non-Bailable  
 c) Summons cases & Warrant cases  
 d) All of them.
45. Cognizable offence under IPC has been defined:  
 a) Under Section 2(a) of CPC  
 b) Under Section 2(e) of CPC  
 c) Under Section 2(f) of CPC  
 d) Under Section 2(l) of CPC
46. Non-Cognizable offence has been defined:  
 a) Under Section 2(a) of Cr.CPC  
 b) Under Section 2(e) of Cr.CPC  
 c) Under Section 2(f) of Cr.CPC  
 d) Under Section 2(l) of Cr.CPC.
47. In a bailable offence, the bail is granted as a matter of Right:  
 a) By the Police Officer  
 b) By the Court  
 c) Both by the Police officer of the court  
 d) Either A or B
48. Complaint as provided under Section 2(d) of Cr.P.C:  
 a) Can be in writing only  
 b) Can be oral  
 c) Either in writing or oral  
 d) Can be by gestures.
49. It is mandatory to produce the person arrested u/s 151 Cr.P.C within 24 hours of his arrest under:  
 a) Section 56 of Cr.P.C  
 b) Section 57 of Cr.P.C  
 c) Section 58 of Cr.P.C  
 d) Section 59 of Cr.P.C
50. FIR is to be registered in c/w the following offences:  
 a) Non-Bailable offences  
 b) Bailable offences  
 c) Cognizable offences  
 d) Non-Cognizable offences.
51. FIR can be lodged by the following person:  
 a) Victim  
 b) Aggrieved person  
 c) Accused person  
 d) Any one of them (All of them)
52. FIR can be registered by the following officer:  
 a) S.P  
 b) SDPO  
 c) O.C(S.H.O)  
 d) S.I of the P.S
53. The Investigation Officer during the investigation records the statement of a witness under:  
 a) Section 160 Cr.P.C  
 b) Section 161 Cr.P.C  
 c) Section 162 Cr.P.C  
 d) Section 164 Cr.P.C
54. A refusal to answer question put to a witness under Section 161 Cr.P.C in writing in investigation and is signed by the person making the statement is hit by:  
 a) Section 176 of I.P.C  
 b) Section 179 of I.P.C  
 c) Section 187 of I.P.C  
 d) Neither A nor B nor C.
55. A statement of a witness recorded under Section 161 Cr.P.C in writing in investigation and is signed by the person making the statement is hit by:  
 a) Section 161(2) Cr.P.C  
 b) Section 161(3) Cr.P.C  
 c) Section 162 (1) Cr.P.C  
 d) Section 162(2) Cr.P.C

56. Can a statement of a witness recorded by a police officer under section 161(3) of Cr.P.C 1973, be recorded by audio video electronic means:  
 a) Yes  
 b) No  
 c) Yes, with the consent of the witness  
 d) Yes, in the presence of mediator.
57. A Police Officer may for the purpose of arresting without warrant any person whom he is authorized to arrest pursue such person into any place in India under:  
 a) Section 41 Cr.P.C  
 b) Section 47 Cr.P.C  
 c) Section 48 Cr.P.C  
 d) Section 52 Cr.P.C
58. Joint trial of more than one person is dealt with under:  
 a) Section 219 Cr.P.C  
 b) Section 223 Cr.P.C  
 c) Section 230 Cr.P.C  
 d) Section 224 Cr.P.C
59. When an offence has been compounded u/s 320 Cr.P.C such composition of the offence shall have the effect if:  
 a) Discharge of the accused under all circumstances  
 b) Acquittal of the accused under all circumstances  
 c) Acquittal of the accused when charge was framed and discharge of the accused when charge was framed.  
 d) Neither acquittal of the accused nor discharge of the accused.
60. Section 190 Cr.P.C provides for taking of cognizance by the Magistrate:  
 a) Upon receiving a complaint of facts which constitutes such offence  
 b) Upon a police report u/s 173 Cr.P.C  
 c) Suo Moto  
 d) All of them
61. Who among the following is not authorized to record a confessional statement u/s 164 Cr.P.C  
 a) Judicial Magistrate (First Class)  
 b) Metropolitan Magistrate  
 c) Both A & B  
 d) An Executive Magistrate
62. Under the Code of Criminal Procedure "Petty Offence" means:  
 a) Any offence punishable with fine only  
 b) Any offence punishable under the Motor Vehicle Act.  
 c) Any offence punishable only with fine not exceeding one thousand rupees  
 d) None of the above.
63. Under which section of the Cr.P.C may a person who is avoiding execution of a warrant be proclaimed absconder?  
 a) Section 83  
 b) Section 82  
 c) Section 84  
 d) Section 93
64. Under section 167 Cr.P.C an executive Magistrate is empowered to grand remand a maximum period of :  
 a) 15 days  
 b) 9 days  
 c) 7 days  
 d) None of them.



65. Which section of Cr.P.C. 1973 deals with withdrawal from Prosecution?  
 a) Section 319  
 b) Section 320  
 c) Section 321  
 d) Section 324
66. Investigation of an offence is conducted by:  
 a) Judicial officer  
 b) Police Officer  
 c) Executive Magistrate  
 d) All of them.
67. Bailable offence means:  
 a) An offence which is shown bailable in the first Schedule under Cr.P.C  
 b) An offence which is made bailable by any other law for the time in force  
 c) Both A & B  
 d) None of the above
68. Complaint may relate to:  
 a) A Cognizable offence  
 b) A non Cognizable offence  
 c) Both A & B are correct  
 d) Must be for a non-cognizable offence as the police has no power to investigate such an offence.
69. Withdrawal of complaint, results in the :  
 a) Discharge of the accused in cases where the charge has not been framed  
 b) Acquittal of the accused where the charge has been framed.  
 c) Acquittal of the accused irrespective of whether the charge has been framed or not.  
 d) None of the above.
70. Which of the following circumstances are not necessary for making arrest:  
 a) For securing of an accused at a Trial.  
 b) As a preventive and precautionary measure  
 c) For obtaining correct name and address  
 d) As a Punishment.
71. Investigation of a non-Cognizable offence is carried under:  
 a) Section 173 Cr.P.C  
 b) Section 156 Cr.P.C  
 c) Section 155 Cr.P.C  
 d) None of them
72. The period of limitation for a Court taking cognizance of an offence punishable with imprisonment for a term exceeding one year but not exceeding three years is:  
 a) One year  
 b) Three year  
 c) Not limitation  
 d) Five years.
73. "Plea bargaining" inserted by the Code of Cr.P.C (Amendment) Act 2006 is applied in case of :  
 a) Offence affecting socio-economic condition of the country.  
 b) Offence committed against woman  
 c) Offences committed against a child below the age of 14 yrs.  
 d) Offence of wrongful restraint against a person.
74. Under which provision of the Cr.P.C may the Court order payment of compensation?  
 a) Section 344  
 b) Section 340  
 c) Section 361  
 d) Section 357

75. "Victim" is defined in the Cr.P.C under:
- Sec. 2 (v)
  - Sec. 2 (wa)
  - Sec. 2(wb)
  - Sec. 2(t)
76. For Rioting, which of the following is correct:
- With the intention of causing such bodily injury as is likely to cause death.
  - With the knowledge that by such out death is likely to be caused.
  - With the intention of causing death
  - All the above.
77. For Rioting, which of the following is correct:
- Mere show of force is sufficient
  - Mere possession of deadly weapon is sufficient
  - Actual force or violence must be used.
  - All of them.
78. In case of dishonest misappropriation the initial possession of Property is:
- In Good faith
  - Dishonest
  - Fraudulent
  - None of the above
79. Nothing is an offence which is done by a person who is:
- Under 7 yrs of age
  - Under 10 yrs of age
  - Under 14 yrs of age
  - Under 16 yrs of age
80. Which one of the following statement is not true?
- For an unlawful assembly, the number of person must be five or more.
  - Mere presence of a person at the scene of offence does not make him a member of an unlawful assembly. An assembly which was not unlawful when it assembly may subsequently become unlawful assembly.
  - An assembly which was not unlawful when it assemble may subsequently become unlawful assembly.
  - When the Accused person are charged for committing mischief and for rioting separately, the acquittal from Charge of mischief would entail automatically acquittal from the Charge of rioting.
81. Which kind of hurt is not grievous?
- Any hurt which endangers life.
  - Any hurt which causes the sufferer to be during the space of 15 days in severe body pain.
  - Permanent privation of the right of either eye
  - Privation of any member or joint.
82. 'A' finds a ring belonging to 'Z' on a table in the house which 'Y' occupies. 'A' dishonestly removes the ring. 'A' has committed which of the following offence?
- Criminal breach of trust
  - Theft
  - Criminal Misappropriation of property
  - Dishonestly receiving stolen property.

83. Which of the following is a continuing offence?  
 a) Abduction  
 b) Rape  
 c) Abatement  
 d) Kidnapping.
84. In which of the offence *mens Rea* is not an essential element?  
 a) Assault  
 b) Bigamy  
 c) Defamation  
 d) Criminal Conspiracy.
85. The right to private defence is available to which of the following:  
 a) Harm in body  
 b) Harm to movable property  
 c) Harm to immovable property  
 d) All of them.
86. Culpable Homicide is not murder if it is committed under:  
 a) Self intoxication  
 b) Grave and sudden provocation  
 c) Irresistible impulse  
 d) None of the above.
87. 'A' is a 17 year old daughter of 'B'. 'C' without consent of 'B' takes 'A' for a tour of Moreh. 'C' has committed the offence of :  
 a) Abduction  
 b) Kidnapping  
 c) Wrongful confinement  
 d) Wrongful restrain.
88. Which of the following is not an offence?  
 a) Attempt to commit suicide  
 b) Suicide  
 c) Attempt to murder  
 d) Mischief
89. Which of the following does not contribute an offence of Attraction?  
 a) Five or more persons  
 b) By fighting  
 c) In a public place  
 d) Disturb the Public Place.
90. X,Y,Z are joint owner of same property 'X' removes the property:  
 a) 'X' is not guilty of theft as property also belongs to X.  
 b) 'X' is not guilty of theft as X is just a Joint owner and not sole owner  
 c) 'X' is not guilty of breach of trust  
 d) 'X' is not guilty of Criminal Breach of trust.
91. 'X' with the intention to kill 'Y' supplies him a poisoned apple. 'Y' discovers that the apple is poisoned and gives it to a minor child to eat. The child eats it and dies. In this case:  
 a) 'X' is guilty of murder and 'Y' is guilty of abatement of murder.  
 b) 'X' as well as 'Y' is guilty of murder.  
 c) 'Y' is guilty of murder and 'X' does not commit any offence.  
 d) 'X' is guilty of attempt to murder and 'Y' is guilty of murder.
92. Under which section of the Evidence Act the provision as to who could be a witness may be found?  
 a) Section 216  
 b) Section 118  
 c) Section 119  
 d) Section 120
93. A confession made to a Police Officer is in-admissible under  
 a) Section 24 Evidence Act.  
 b) Section 25 Evidence Act.  
 c) Section 26 Evidence Act.  
 d) Section 27 Evidence Act.
94. Under Section 8 of the Indian Evidence Act.  
 a) Motive is relevant  
 b) Preparation is relevant  
 c) Conduct is relevant  
 d) All of the above are relevant.

95. Section 154 of Indian Evidence Act deals with which of the following?
- Competent witness
  - Interested witness
  - Hostile witness
  - Accomplice
96. In the Indian Evidence Act, previous conviction of a person is relevant under which of the following:
- Section 14 Explanation I
  - Section 14 Explanation II
  - Section 15
  - Section 16.
97. Fails of which Judicial which has to be taken by the Court are stated under which of the following section of the Indian Evidence Act?
- Section 56
  - Section 57
  - Section 58
  - Section 55
98. Section 105 of Indian-Evidence Act is intended to apply to which of the following:
- Criminal trial
  - Civil suit
  - Both A and B
  - Neither A nor B
99. Section 114 of the Indian Evidence Act provides which of the following?
- The Court may ask the parties
  - The court may stop proceeding
  - The court may presence existence of certain fails.
  - The court may call upon through proof.
100. Identification of the Accused is related to which of the following section of the Indian Evidence Act?
- Section 6
  - Section 9
  - Section 27
  - Section 11.

**Question Ends.**