



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

**Paper-5-Criminal Procedure Code**  
**(22.12.2023)**  
**PART - A**

Answer any *five* of the following.

(5 x 5 = 25)

1. Explain the constitution and hierarchy of criminal courts in India. Discuss the jurisdiction and powers of different criminal courts.
2. Discuss the role and powers of juvenile courts and juvenile welfare boards in the criminal justice system.
3. Explain the powers of an appellate court to deal with criminal appeals as per the provisions of the Code of Criminal Procedure. Also briefly discuss the other remedies of revision, reference and transfer of cases.
4. Recently, a group of villagers assembled near a disputed plot of agricultural land to protest against its demarcation by the local authorities. This led to a law and order situation in the area. Explain the powers of the executive magistrate in such a situation to disperse the unlawful assembly and maintain public order as per the Code of Criminal Procedure.
5. Ajay was accused of committing theft in Delhi in January 2020. The police filed a charge sheet in September 2022 before a court in Mumbai in relation to the offence. Explain whether the court in Mumbai can validly take cognizance of the offence committed by Ajay in light of the provisions of ordinary place of inquiry/trial and limitation prescribed for taking cognizance under the Code of Criminal Procedure.
6. Rani filed an application in the Family Court in Delhi seeking maintenance from her estranged husband Rahul under Section 125 of CrPC. Rahul argued that the court does not have jurisdiction to entertain the application since he resides in Mumbai. Examine the maintainability of Rani's application in light of the provisions related to jurisdiction of courts and procedure for maintenance under Section 125 of CrPC.



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**PART - B**

Answer any three of the following.

(3 x 15 = 45)

7. Harish was accused of theft but has been avoiding appearing in court on the scheduled hearing dates. The police need to compel his appearance in court so that the case can proceed further. Which of the following procedures outlined in the criminal procedure code should the police first try in order to summon Harish to court - serving him a summons, issuing a proclamation and order of attachment, obtaining an arrest warrant, or serving a special summons? If the first procedure does not work, what should be the next step as per the code? Apart from compelling Harish's appearance, under what circumstances can cases be committed to a sessions court or consolidated into a single case as per the criminal procedure code?
8. Raj was arrested by the police on suspicion of committing theft in a house in his neighborhood. During the investigation, the police searched Raj's home and seized some documents and jewellery suspected to have been stolen. Raj was produced before the magistrate and sent to judicial custody.

Analyze the above case and criminal procedure in detail.

The answer should include the following points:

- i. Classify the offence of theft as cognizable/non-cognizable and bailable/non-bailable based on the code. (1 marks)
- ii. Explain the pre-trial procedure that would be followed by the police and magistrate after Raj's arrest. (3 marks)
- iii. Discuss the rights of the arrested person Raj as per the provisions of the code. (2 marks)
- iv. Examine the steps taken by police to produce Raj before the magistrate and ensure his presence for trial. (3 marks)
- v. Evaluate the search and seizure conducted at Raj's home and the impounding of documents by the police. Cite relevant sections. (3 marks)
- vi. Highlight the duties of public to give information and assist the police/magistrate during investigation and trial. (2 marks)



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vii. Conclude by stating that the case has been analyzed thoroughly covering the relevant criminal procedures. (1 mark)

9. The body of Kirti was found under mysterious circumstances near a river in the outskirts of the town. The police registered a case of unnatural death and started investigation. During the investigation, the police examined several witnesses, recorded their statements. They also visited the crime scene, collected evidence and recorded observations in the police diary. Upon completion of investigation, the Investigating Officer submitted a report to the magistrate.

Analyze the police investigation procedures undertaken in the above case.

The answer should include the following points:

- i. Explain the procedures to be followed by police for the investigation of unnatural/suspicious deaths as per the Code. (3 marks)
  - ii. Discuss the powers of police to investigate cognizable cases and examine witnesses. (2 marks)
  - iii. Highlight the importance of recording statements during the investigation and its evidentiary value. (3 marks)
  - iv. Describe the purpose and importance of maintaining a police diary. (2 marks)
  - v. Analyze the contents to be included in the final investigation report submitted to the magistrate. (2 marks)
  - vi. Examine whether the investigation procedures undertaken by police were as per the Code. (2 marks)
  - vii. Conclude by stating that all relevant investigation procedures have been critically analyzed. (1 mark)
10. Pintu was accused of theft and arrested by the police. During the investigation and trial, his lawyer argued that Pintu had a history of mental illness and was not mentally fit to stand trial. However, the court did not consider this and proceeded with framing of charges and examination of witnesses. Pintu was ultimately convicted of the charged offence.



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Critically examine whether Pintu received a fair trial in accordance with the principles of natural justice and relevant provisions of the Code.

The answer should include the following points

- i. Explain the rights of accused at trial as per Code. (3 marks)
- ii. Analyze the treatment and procedures for persons of unsound mind as per Code. (3 marks)
- iii. Evaluate the court's actions regarding framing of charges and alteration of charges. (3 marks)
- iv. Discuss the protection against self-incrimination and double jeopardy as per Code. (3 marks)
- v. Critically examine if Pintu's mental health was adequately considered. (2 marks)
- vi. Conclude stating if Pintu received a fair trial as per principles of natural justice and provisions of Code. (1 mark)

**PART - C**

Answer any one of the following.

(1 x 30 = 30)

11. Rajesh was arrested in January 2023 for allegedly assaulting his neighbor during a dispute over a property boundary issue. The police claimed to have recovered the blood-stained lathi from Rajesh's house.

Rajesh's lawyer filed an application for anticipatory bail in the Sessions Court in February 2023 apprehending his arrest in the case. However, the court rejected the application.

In March 2023, Rajesh was arrested in the case and sent to judicial custody by a magistrate court. His lawyer filed a bail application which was also rejected. An appeal was filed before the High Court.

Analyze the anticipatory bail application process undertaken in Rajesh's case and the bail application process after his arrest keeping in view the relevant provisions of the CrPC.



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12. Ravi was accused of theft and his case was committed to the Court of Sessions by a Magistrate. During the trial in Sessions Court, the Public Prosecutor examined all witnesses and closed the evidence.

When examined under Section 313 CrPC, Ravi denied all charges and did not give any explanation. He was ultimately convicted by the Sessions Court.

Ravi has now appealed in the High Court arguing that the trial was not conducted as per the Code and his rights were violated.

Examine whether the trial conducted by the Sessions Court was in accordance with the provisions of CrPC relating to trial procedure, rules of evidence and examination of accused. Discuss the merits of Ravi's appeal.

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