

GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR
Course: **Law of Criminal Procedure**
Semester- IV (Batch: 2019-24)

End Semester Online Examination: July-August 2021

Date: 01st August, 2021

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Do not use highlighters, Refer correct section number of the code, do not use abbreviations or short forms while writing the answer. Originality in answers is expected.
- Use only blue or black ink, use of other colour inks in answers will attract the deduction of marks.
- Word Limit: 10 Marks: 450-500 Words.

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- | | Marks |
|---|--------------|
| <p>Q.1 The below mentioned facts are an extract of the appeal pending before the high court.</p> <p>Rani claims that she was married to Amar, sometime in 2004 according to the customary rites and rituals of their caste. Though initially, Amar treated her nicely. Subsequently he started ill-treating her and she was subjected to mental and physical torture. On enquiry about the reason for such a sudden change in his behaviour, the appellant (Rani) came to know that he had developed an illicit relationship with a lady named Sheela. During the period the appellant stayed with Amar, she became pregnant and subsequently, a child was born. As Amar neglected the appellant and the child born, an application under section 125 of the Code was filed claiming maintenance. The application was filed before the Judicial Magistrate, First Class (hereinafter referred to as the 'JMFC'). Amar opposed the application by filing written statements taking the stand that the appellant was not his legally married wife and the child was not his son. He also denied having developed an illicit relationship with Sheela. He claimed that actually she was married to him more than 22 years back and two children were born. He mentioned that in all official records & documents, the name of Sheela was mentioned as the legal heir inclusive of Voters List, Ration Card and Provident Fund records. But in this application JMFC allowed the Claim Petition and granted maintenance.</p> <p>Amar filed an appeal before the High court to get this judgement set aside. Rani needs a professional & appropriate opinion. Advise her citing suitable case laws & provision of law.</p> | (10) |
| <p>Q.2 Anticipatory bail is one of the most powerful tools in the hands of defence lawyers, when it comes to safeguarding the interest of their clients. But the Apex court is facing some questions related to following two aspects, (in form of questions):</p> | (10) |

- a) Whether the protection granted to a person under Section 438 Cr.P.C. should be limited to a fixed period so as to enable the person to surrender before the Trial Court and seek regular bail.
- b) Whether the life of an anticipatory bail should end at the time and stage when the accused is summoned by the Court.

Advice the Court citing suitable case laws & provision of law.

Q.3 Explain the provisions of law under Cr.P.C related to the provision of appeal, reference and revision. (10)

Q.4 The facts mentioned below is an extract from an appeal pending before high court: (10)

A First Information Report was lodged at Banki Police Station within the district of Sitamadi by a local chowkidar of village Gayalbank against the Assistant Sub-Inspector of Police (hereinafter ASI) for alleged offence of wrongful restraint with assault etc. The ASI being the accused appellant herein is alleged to have been deputed by the Officer-in-charge of Police Station for making investigation in village Gayalbank. The ASI with one constable went to the village. He arrested the complainant and two others.

Though all the offences were bailable offences and the complainant offered bail, the ASI is alleged to have refused to release the complainant on bail. The other two persons who were arrested also offered bail and were refused bail. It is said that even cash security was offered but was not accepted. Instead, the accused hand-cuffed the complainant and the said two other persons, and took them round the village for the purpose of being put to humiliation and harassment as alleged.

The trial court disbelieved the defence case on facts and on interpretation of Sections 56 and 54 of the Cr.P.C, acquitted the accused respondent. The main point for consideration in this appeal is whether the arrest and the confinement thereafter of the complainant and two others by the accused ASI was legal or illegal.

The court needs an expert opinion in this matter. Advice court on the provisions of FIR, arrest and bail citing suitable authorities of case laws in this case. The advice should be specific and help in this matter only, avoid answering general provisions of law.

Q.5 Write short notes on: (5x2=10)

- a) Bailable offences
- b) Section 144 Cr.P.C

OR

- a) Section 482 Cr.P.C
- b) Rights of arrested persons under Cr.P.C
