

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Police Law and Administration
Semester- I (Batch: 2024-25)

End Semester Examination: October 2024 (J.L.M)

Date: 27th Oct, 2024

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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. Mention correct section & statute referred with sections. Do not use abbreviations. Mention appropriate authorities with every answer. Original answers & opinions are expected. 900-1000 as minimum word limit for each question in section A & B.
- Put 'Q' mark before answering a question. Mention the name of the statute cited with every section in every answer. IPC is Indian Penal Code 1860, FIR to be read as First Information Report. SC is Supreme Court. Mention relevant case laws in every answer, whether asked or not. Start every question distinguished from the previous question. Write your answer in third person. Do not use highlighter or ink other than blue or black. No use of shorthand is permitted.

**Part: A
(Answer Any Two)**

Marks

Q.1 Read the facts carefully and answer the questions mentioned below:

(10)

The present facts have been taken from the petition pending at Bombay High Court. The wife of the undertrial files this petition with prayers for a declaration that the respondents, here in the case the NIA investigation team, have failed to provide appropriate medical treatment to the undertrial in custody, thereby violating his fundamental right to health, dignity and life guaranteed under Article 21 of the Constitution of India, apart from violating International Covenants about Human Rights and for a direction to the respondents to set the undertrial at liberty on such conditions that this court may deem fit.

Later in 2018, a First Information Report was lodged under Sections 153A, 505(1)(b), 117 and 34 of the Indian Penal Code, against six persons for speeches and songs performed at a meeting of Elgaar Parishad. Further, Section 120-B of the IPC was added to the said FIR. The special officer appointed in this matter led a team and carried out raids at Pune and Mumbai, Delhi and Nagpur. Pursuant thereto, Sections 13, 16, 17, 18, 18-B, 20, 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967, were added to the said FIR against the aforesaid six accused persons as also the two suspected persons.

Thereafter, a supplementary charge sheet was filed against the undertrial and other accused persons in the present case for having committed offences under Sections 121, 121(A), 153(A), 505(1)(B), 117, 120(B), 124(A) read with Section 34 of the IPC and Sections 13, 16, 17, 18, 18(B), 20, 38, 39 and 40 of the UAPA. The allegation against the undertrial was that he was a senior member of a banned organisation, the Party of India (Maoist). He has been allegedly actively involved in arranging funding and providing arms and ammunition to the cadre of the said organization to wage war against the established Government, causing the death of several security personnel and citizens. The undertrial filed a bail application before the Sessions Court at Pune, and the

application was rejected. In dismissing the bail application, a finding was rendered that the material on record indicated that the accusations against the undertrial were prima facie true.

Later, the pandemic (COVID-19) affected each corner of the country. The undertrial applied for a grant of interim bail on the grounds of his advanced age and age-related health complications before the NIA Court. However, the application was rejected because those arrested under the UAPA were not entitled to a grant of such interim bail, as mentioned by the NIA court.

During the pendency of the matter and the fact that the undertrial caught the infection COVID-19, his health situation deteriorated. His wife applied to the Special NIA Court for bail, but the NIA opposed it, and it was denied by the special court, too. After that, again, on the medical report received by the family of the undertrial, they approached the government, again on the opposition of the investigation agency; it was denied by the committee specially appointed to see the matter of the undertrial, leading to the present appeal before the High Court.

NIA is again opposing the same, making it very clear that the charges against the undertrial are so grave that no bail is possible. Also since every other court has denied the bail on the merit, High court should not give bail here. The court seeks your opinion in this matter. Citing suitable provisions of the NIA Act, and case laws, mention whether contention of NIA is correct or not.

- Q.2 Discuss the following concerning the police investigation: (10)
- Importance of FIR
 - Care and caution in filing police report

- Q.3 The facts mentioned below are from an appeal pending before the Apex court for matters related to the Arms Act, 1959. Read it carefully to answer the questions asked at the end: (10)

In evening at 7 pm one blue colored Maruti Fronty car without a number plate was stopped by Constable Manuji Knauji Rajput, in Gandhinagar, Gujarat. It was driven by A-1 (accused no 1) in a drunken state. Apparently, a police inspector at the Dariapur Police Station received information that A-1 was in the business of transportation of illegal weapons together with A-3 and that there are some cartridges in the Maruti Fronty car. The car was then searched. According to the prosecution six live cartridges were found in the backside of the car in the cavity next to the speaker. These cartridges had the name 'L.V London' on them and were meant for use in a .45 revolver, which is a prohibited bore. The rest of the prosecution story deals with how the weapons were said to be recovered from the house of A-4.

A-2, who was nowhere near the car has been convicted by the learned Sessions Court u/s 25(1)(a) & 25 (1AA) read with section 35 of the Arms Act, 1959 for a period of seven years only because he was the owner of the car Maruti Fronty registered under his name.

Section 25(1)(a) of the Arms Act, 1959 reads as follows: "(a) Whoever—(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or (b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of

section 6; or (d) bring into, or takes out of, India, any arms or ammunition of any class or description in contravention of section 11, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine."

Section 25 (1A) of the Arms Act, 1959 reads as follows: "Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine".

The present appeal is filed by A-2 in relation to the no-relation of the matter presented before the court. It is strongly opposed by the prosecution as this is a non-bailable and cognizable matter. There is no possibility to give any relaxation to anyone and in this case, he is strongly related to the case. While the appellant mentioned that because of the strong protest by the police, his earlier bail applications were rejected by the trial court/s, including the high court.

Discuss the above-mentioned case in the light of the provisions of the Arms Act and appropriate case laws to advise the Supreme Court on the remedy for this bail application.

Part: B

- Q.4 Discuss the positive and negative aspects of giving unfettered rights of investigation to police in Indian scenario. Cite suitable case laws to support your answer. (5)
- Q.5 'Police violence and brutality have become a common occurrence in India, with little being done to demand accountability. Unjustified encounter killings and other forms of unconstitutional practices employed by the police deprive accused persons of their right to a fair trial and are in violation of Constitutional and legal provisions.' (4+3+3=10)
- In view of the foregoing statement, answer the following:
- Discuss the powers and functions of the police in maintaining law and order.
 - Discuss the citizen's right to complain against public servant citing the relevant provisions of the Cr.P.C and the Constitution of India.
 - Elucidate the process of crime scene investigation with the help of forensic science and the role and responsibility of police officers. Cite relevant provisions with all the recent amendments in Penal Law in India.
- Q.6 Discuss the origins of the Anti-Rape Campaign in India and the Compensation and Rehabilitation scheme for Rape Survivors. (10)
- Q.7 Discuss the role of various intelligence agencies and the special task force of the police organisation in maintaining internal security. (5)
