

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Law of Criminal Procedure Code  
Semester-IV (Batch: 2015-20)

Mid Semester Test: Feb-Mar. 2017

Date: 1<sup>st</sup> March, 2017

Duration: 2 hours

Max. Marks: 30

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Bare Act is not allowed except for photo copy of index page.

**Part-A**

**Marks**

**Answer all the questions**

**Q.1 Answer the following:**

(15x1=  
15)

(I) State whether the following statements are true or false with justifications and reasons for your answers:

- (a) Magistrate has power only to direct the Police officer of police station which comes under his jurisdiction to investigate into the case and to report and not has the jurisdiction to direct any police officer outside his jurisdiction including that of CID or CBI.
- (b) There is no warrant in law or logic for the distinction between the investigation in favour of and against a person accused of a crime, investigation denotes nothing more than collection of evidence by Police officer or by a person duly authorized by law.
- (c) A person summoned to answer under Section 161 shall not be compelled to answer those questions the answer of which would make him or her liable to criminal charge, penalty or forfeiture.
- (d) The duty of an Investigating officer is only to bolster up the prosecution case with such evidence as may enable the Court to convict the accused.

(II) Answer the multiple choice questions:

- (a) If the information is given by the woman against whom an offence under Sections 326-A, 326-B, 354A-D, 376, 376A-E or Section 509 of IPC is alleged to have been committed or attempted then such information shall be recorded, by a
  - (i) woman police officer
  - (ii) any male police officer
  - (iii) any woman officer
  - (iv) woman police officer or any woman officer

**Part-B****Q.2 Answer the questions:**

(3x3=

- (a) Explain the broad outlines of the changes brought about by the new Code, 1973 rather than the old 1898 Code.
- (b) Explain Cognizable offences and Non-cognizable offences. What is the distinction between Cognizable and Non-Cognizable offences
- (c) Define Investigation. What are the important steps involved in the investigation under the code. Explain with the help of decided case laws?

09)

**Part-C****Q.3 To constitute "defamation" under section 499 of the IPC, there must be an imputation (06)**

and such imputation must have been made with intention of harming or knowing or having reason to believe that it will harm the reputation of the person about whom it is made. In essence, the offence of defamation is the harm caused to the reputation of a person. It would be sufficient to show that the accused intended or knew or had reason to believe that the imputation made by him would harm the reputation of the complainant, irrespective of whether the complainant actually suffered directly or indirectly from the imputation alleged.

Section 199 of the Code provides that no court can take cognizance of an offence punishable under Chapter XXI of IPC except upon complaint made by some person aggrieved by the offence. The offences contained in Chapter XXI IPC referred to above relate to – defamation, printing, or engraving of defamatory article, sale of printed substance containing defamatory matter.

However, there are exceptions to the above rule as stated under sub-clauses (1) & (2) of Section 199 of the code.

**Answer the following:**

When any such offence as mentioned in Section 199(1) is alleged to have been committed against a person who at the time of commission of such offence is the President, Vice-President, Governor of State, Administrator of Union Territory, Member of Union or of State; or any public servant employed in union or of state, in respect of his conduct, in the discharge of his public function.

- (a) What is the time period specified for making of such a complaint and from which date?
- (b) Whether the Court of Session can take Cognizance, if the complaint is made after expiry of such period?
- (c) What are the pre requisites for a public-prosecutor to make such a complaint?
- (d) What is the mandate of Section 199 Cr. PC? What purpose is served by the limitation on the power to take Cognizance of defamation?

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