



JSM – 17/2
Procedural Laws

Time : 2½ hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer six questions, selecting two from
Section – A, two from Section – B
and two from Section – C.*

Section – A

(Code of Criminal Procedure, 1973)

1. What is a Charge ? Discuss the effects of errors in a charge. How is charge different from F. I. R. ? 25
2. Discuss the differences between the proceedings invoked in a warrant case and summons case. 25
3. Explain the procedures invoked for a trial before the Sessions Court. 25

4. Critically analyze the concept of Plea Bargaining and its significance as envisaged under the Code of Criminal Procedure. 25

Section – B

(Civil Procedure Code, 1908)

5. Explain the procedure on abatement of suit by death of a defendant. How can you set aside abatement and how to implead legal heirs of deceased defendant? 25
6. Enumerate the significance of Garnishee proceedings under O.21 R46 of the Code of Civil Procedure. 25
7. Critically analyze the impact of 2002 amendment to the Civil Procedure Code, 1908. 25
8. Briefly analyze the circumstances under which the amendment of pleadings is permitted and refused in the light of the provisions envisaged under the Code of Civil Procedure, 1908. 25

Section – C

(Indian Evidence Act, 1872)

9. The probative value of evidence of character must not be overrated. It is not a sufficient ground for disbelieving solid evidence of facts. Were it so, no would be convicted for every criminal had a good character until he lost it – Prof. Kenny. Critically examine this statement in the light of the provisions relating to relevancy of character evidence envisaged under the Indian Evidence Act. 25
10. Explain the touchstones upon which the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping. 25
11. Explain the different kinds of presumptions and its utility / significance under the Indian Evidence Act with the help of illustrations / case laws. 25

12. Analyze the significance and implications of concepts like logical relevancy, legal relevancy, admissibility and reliability as envisaged under the framework of the Indian Evidence Act. 25

