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19 (III) CCPR 3·2

2023

## CODE OF CRIMINAL PROCEDURE

Paper : 3·2

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for the questions.***

1. Choose the correct answer :  $1 \times 10 = 10$

(a) 'Warrant case' means a case relating to an offence, punishable with death, imprisonment for life or imprisonment for a term exceeding \_\_\_\_\_.  
(2 years / 3 years)

(b) Charge is defined under section \_\_\_\_\_ of Cr.P.C. [2(b) / 2(a) / 2(c)]

(c) In every district the judicial magistrates are appointed by \_\_\_\_\_. (State Government / High Court of the State)

(d) An executive magistrate has the power to issue order in urgent cases of nuisance or apprehend danger under section \_\_\_\_\_ of Cr.P.C. (133 / 144)

Contd.

(e) The power to try summary trial is conferred upon \_\_\_\_\_.  
(C.J.M/Sessions Judge)

(f) An arrested person has a right to meet an advocate of his choice during interrogation. (True/False)

(g) A right of appeal is a \_\_\_\_\_.  
(natural right/creation of statute)

(h) A magistrate taking cognizance of an offence on complaint shall examine the complainant and witness \_\_\_\_\_.  
(on oath/without any oath)

(i) A police officer shall submit a police report under section \_\_\_\_ of the criminal procedure code. (173/174)

(j) A revision petition \_\_\_\_\_. (can be/cannot be) filed against an interlocutory order.

2. Write short notes of the following :  $2 \times 5 = 10$

(a) First information report

(b) Public prosecutor's role in criminal justice system

(c) Reference to High Court

(d) Difference between revision and appeal

(e) Different classes of criminal court

3. Discuss the object and importance of Code of Criminal Procedure in the administration of criminal justice system. 12

**Or**

Discuss the power of executive magistrate for the removal of public nuisance.

4. Discuss the power of police officer to investigate a cognizable offence and submission of police report. Whether confessional statement made before a police officer is admissible in evidence ? 8+4=12

**Or**

Explain elaborately how bail can be granted in non-bailable offence. What is anticipatory bail ?

5. Define what charge is. Discuss the content of charge. Explain how charges can be joined. 2+5+5=12

**Or**

Discuss the procedure of examination of complainant and witness. Explain, how complaint can be dismissed.

6. Discuss the procedure of trial of warrant cases instituted on a police report. 12

**Or**

Explain the procedure of trial of summon cases by magistrate.

7. Critically discuss the power of Supreme Court and High Court to transfer case and appeal. 12

**Or**

Discuss the procedure of appeal in case of acquittal. Explain the circumstance in which there shall be no appeal against an order of conviction. 8+4=12