

NATIONAL LAW UNIVERSITY, JODHPUR

END TERM EXAMINATION – 2024

Semester: UG IV Semester

Subject: Crime and Punishment II

Time: Three Hours

Marks: 100

Instructions:

- I. Do not write anything on the question paper.
- II. No explanation can be sought from anyone on the contents of the question paper.
- III. No books, articles, notes, computer & similar devices, mobile phones and other electronic gadgets, are allowed to carry during examination.
- IV. Answer any five of the following questions.

Q1. Discuss the factors that must be considered as guiding principles while dealing with applications under Section 438 of the Criminal Procedure Code, 1973, as elaborated by the Supreme Court in the case of *Sushila Aggarwal v. State (NCT of Delhi)* 2020 5 SCC 1.

(Marks 20)

Q2. "The general principle governing delay would apply to these categories also. To make it clear, the provision contained in Section 436A of the Code would apply to the Special Acts also in the absence of any specific provision. For example, the rigor as provided under Section 37 of the NDPS Act would not come in the way in such a case as we are dealing with the liberty of a person. We do feel that more the rigor, the quicker the adjudication ought to be. After all, in these types of cases number of witnesses would be very less and there may not be any justification for prolonging the trial. Perhaps there is a need to comply with the directions of this Court to expedite the process and also a stricter compliance of Section 309 of the Code."

Examine the above in light of *Satender Kumar Antil v. CBI*, (2022) 10 SCC 51. (Marks 20)

Q3.

- I. Can the word "may" in sub-section 1 of Section 25A of the Criminal Procedure Code, 1973 be read as "shall," and, if so, is it statutorily mandatory for each State to establish a directorate of prosecution in this regard?
- II. Does Section 24(6) of the Criminal Procedure Code, 1973 envisage a regular cadre of Public Prosecutors/Additional Public Prosecutors/Assistant Public Prosecutors? If so, what should be the mode of recruitment for such officers?

(Marks 10x2= 20)

Q4. What is the scope and ambit of the right to remain silent in India? At what stage can an accused person exercise this right? Does the Indian law require reform in this regard? Discuss in light of *Prahlad vs. State of Rajasthan* (2019) 14 SCC 438. (Marks 20)

Q5. Is the protection afforded to the right against self-incrimination in the case of *Selvi and Others vs. State of Karnataka* (2010) 7 SCC 263 couched too widely? Critically analyse the appropriateness of the judgment in light of the medical, scientific and technological developments and the growing rate of offences relating to terrorism and public safety. (Marks 20)

Q6. Under what circumstances should the conviction or acquittal of an Indian national by a foreign court for a particular offence bar the subsequent trial of the said accused person by Indian courts? When should the Indian courts be allowed to disregard the foreign verdict and adjudicate on the guilt of the said accused person? Is the Indian law in this regard in need of any reform? Discuss critically in the light of *Monica Bedi vs. State of Andhra Pradesh* (2011) 1 SCC 284. (Marks 20)