

27 APR 2024

NATIONAL LAW UNIVERSITY, JODHPUR

Re Mid-Term Examination-2024

Semester: UG IV Semester

Subject: Crime and Punishment II

Time: 90 Mints

Marks: 50

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.

Q. 1) Petitioner, who is the Managing Director of the MC TV Limited, is the accused in this case registered by the respondent for the offences punishable under Sections 120-B r/w. 417 and 153 IPC. The charge against him is that when Mr. M. JACOB MATHEW, the former Chief Minister of the State of GOA, was arrested in the wee hours of 30.6.2001, the MC TV was continuously telecasting news as if Mr. JACOB MATHEW was attacked and manhandled by the Police at the instance of the State Government and there was a deliberate human rights violation in his arrest and that the MC TV edited the entire recorded events, inserted dubbing voices and misrepresented the entire facts with the deliberate intention of creating hatred in the mind of the public towards the State Police and the Government of GOA, headed by the Chief Minister FENNY PINTO ; that though the misconduct on the part of two Union Ministers was also recorded by the MC TV it did not telecast the attack on the police officials by them and the extreme patience shown by the police officials who arrested the former Chief Minister and because of such distorted news telecasted by the MC TV, violence took place in many parts of the State in which hundreds of transport buses suffered damage and the fear psychosis was also created in the mind of the general public.

During the course of investigation, the Inspector of Police, Crime Branch CID, has sent an order purported to be under Section 91 Cr.P.C. thereby directing the petitioner to produce the following documents on or before 14.7.2003 before the said Officer at 10. 00 Am.:

1. The Video Cassettes (Master Copy) taken on 29.6.2001 by the MC TV crew members at the time of effecting the arrest of JACOB MATHEW at his residence by CBCID.
2. Furnish the names, designation and address of the crew members of MC TV, who were all involved in taking the videograph and telecasting the above event.

In these circumstances, the petitioner has come forward to file the above criminal original petition seeking the relief sought for on ground that in issuing the impugned order, the respondent has exceeded his jurisdiction in directing the petitioner to cause production of the documents mentioned in the said order

- a. Decide whether order purported to be under Section 91 Cr.P.C. thereby directing the petitioner to produce the following documents on or before 14.7.2003 before the said Officer at 10. 00 Am. Is valid. Give reasons for your answer. (Marks 07)

b. Discuss the provisions regarding the production of things and documents and analyse how it attempts to strike a just balance between the interest of the individual and the society
(Marks 13)

Q. 2) Explain the circumstances in which an arrest without a warrant can be made.

(Marks 15)

Q. 3) Discuss in detail the law relating to issuance of non bailable warrant with the help of decided cases.

(Marks 15)

