GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR
Course: **Law of Criminal Procedure**
Semester- IV (Batch: 2022-27)

End Semester Examination: April-May 2024

Date: 27th April, 2024
Duration: 3 hours   **Max. Marks: 50**

Instructions:
- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

Marks

Q.1   Discuss the interplay between the principles of fair trial under the Criminal Procedure   **(10)**
Code (CrPC), 1973, and the fundamental rights enshrined in the Constitution of India
focussing on how provisions within CrPC ensure a fair trial and how they align with
constitutional rights. Evaluate the judiciary's role in interpreting these
provisions/sections to uphold the right to a fair trial, citing key judicial decisions that
have influenced the administration of criminal justice. Identify the challenges in realizing
these principles in practice and propose specific legal reforms to enhance the
effectiveness of fair trial guarantees in India.

OR

Elucidate the definition of 'Complaint' as stipulated by the Criminal Procedure Code
(CrPC) and delineate its distinctions from a First Information Report (FIR) in terms of
procedural initiation, authority involvement, and legal implications. Further, expound on
the procedural framework laid out in the CrPC for the adjudication of complaints by
magistrates. Illustrate your answer by citing pertinent sections of the CrPC that mandates
these processes.

Q.2   As an advocate, you are representing Mr. A, who is accused of a non-bailable offence   **(10)**
under Section 304 of the Indian Penal Code (IPC), currently detained for 90 days
without a chargesheet being filed. This scenario prompts an application for bail under
the Criminal Procedure Code (CrPC), 1973.

To this backdrop, provide a detailed exposition on bail, focusing on relevant bail
provisions, differentiating between bailable and non-bailable offences, and elucidating
the conditions under which bail can be granted in this matter.

Following this, draft a bail petition for Mr. A, addressing it to the competent court. This
petition should outline the circumstances of Mr. A's detention, reference of relevant
CrPC section supporting bail, and present arguments advocating for his release,
supported by applicable legal precedents and principles, if any.

OR

In the context of the various provisions of Criminal Procedure Code (CrPC), discuss the
various processes to compel an individual's appearance in court. Illustrate your
discussion with a hypothetical case detailing the sequential steps the court might take, to

ensure a person's presence in the courtroom, while considering the procedural and ethical implications of each action.

Q.3   Discuss the differences between: (5x2=
       a) Summons Case and Warrant case   10)
       b) Inquiry, Investigation and Trial

                                    OR

Write short notes on:
       a) Public Prosecutors
       b) FIR

Q.4   Discuss how the various courts in the hierarchy of criminal courts in India differ in   (10)
       terms of their powers and functions? Provide specific examples of the types of cases
       each court typically handles and the legal powers they possess in the administration of
       criminal justice.

                                    OR

What is 'arrest'? Identify the agencies empowered to carry out an arrest and discuss the various circumstances under which arrest can be made. Elaborate on the rights of a person who has been arrested, citing specific provisions that ensure these rights are protected.

Q.5   Discuss the stages of trial for a case instituted on police report under the Code of   (10)
       Criminal Procedure, 1973. Using a hypothetical criminal case scenario, illustrate how the
       trial progresses through these stages.

                                    OR

What is maintenance? Who can claim maintenance under Criminal Procedure Code, 1973? Discuss in detail the various provisions relating to it and landmark judgments, if any.

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