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Criminal Procedure Code

MCQs

Booklet

(100 MCQs)

1. In a cognizable offence under IPC, the police will have all the powers to

- a) Investigate except the power to arrest without warrant
- b) Investigate including the power to arrest without warrant
- c) Investigate and arrest only after the permission from the magistrate
- d) Investigate and arrest without warrant only after informing the magistrate having jurisdiction
- e) None of the above.

2. Classification of Compoundable and non-compoundable offence is provided under

- a) Ist Schedule of CrPC
- b) IInd Schedule of CrPC
- c) Section 320 of CrPC
- d) Section 321 of CrPC
- e) Section 178 of CrPC

3. A proclamation requiring person to appear must be published giving

- a) Not less than 30 days time to the person concerned
- b) Not less than 10 days time to the person concerned
- c) Not less than 20 days time to the person concerned
- d) Not less than 15 days time to the person concerned
- e) Not less than 60 days time to the person concerned

4. Complaint, as provided under section 2(d) of CrPC

- a) Can be in writing only
- b) Can be oral
- c) Can be either in writing or oral
- d) Can be by gestures
- e) Should be in writing only

5. A warrant of arrest is a command

- a) Must be in written order
- b) Signed, sealed & issued by a magistrate
- c) Addressed to the police officer
- d) Both a and c
- e) All a, b and c

6. Judges in the Court of Session are appointed by

- a) District judge
- b) Law Minister
- c) Advocate General
- d) Supreme Court
- e) High Court

7. Chief Judicial Magistrate may pass a

- a) Sentence of imprisonment not exceeding 7 years
- b) Sentence for life imprisonment
- c) Death sentence
- d) Sentence of imprisonment exceeding 7 years
- e) None of the above

8. Every summon issued by a Court under CrPC

- a) shall be in writing, in duplicate and signed by the presiding officer of such Court
- b) shall bear the seal of the Court
- c) shall be in writing, in duplicate, signed by the presiding officer of such Court and shall bear the seal of the Court
- d) shall be in writing, signed by the presiding officer of such Court and shall bear the seal of the Court
- e) None of the above

9. The experience required to be appointed as Special Public Prosecutor is

- a) 20 years
- b) 10 years
- c) 7 years
- d) 5 years
- e) 14 years

10. Maintenance of a case diary by an investigating officer is

- a) Mandatory
- b) Directory
- c) Discretionary
- d) All a, b and c
- e) None of the above

11. A police officer may arrest somebody accused of an offence

- I. To prevent such person from committing any further offence
 - II. For proper investigation of the case
 - III. To prevent tampering of evidence
- a) Only I
 - b) Only III
 - c) Both I and III
 - d) Both I and II
 - e) All I, II and III

12. Which of the following is true with respect to warrant of arrest?

- I. A warrant of arrest may be executed at any place in India
 - II. A warrant of arrest shall ordinarily be directed to one or more police officers
 - III. The police officer or other person executing a warrant of arrest shall always show the warrant to the person to be arrested
- a) I and II
 - b) I and III
 - c) Only I
 - d) II and III
 - e) All I, II and III

13. Maintenance under section 125 of CrPC cannot be claimed by

- a) A married daughter having attained majority
- b) By father
- c) By mother
- d) By illegitimate minor child
- e) By divorced wife who has not remarried

14. Under Section 102 of CrPC who is authorized to seize stolen property?

- a) Police officer
- b) Judicial Magistrate
- c) Executive Magistrate
- d) Special Magistrate
- e) District Judge

15. In the trial of summons case by a Magistrate

- I. Charges must be framed
 - II. It is not necessary to frame charges
 - III. Charges can be framed provided accused does not object
 - IV. Only substance of accusation is to be stated
- a) I and II
 - b) I and III
 - c) II and III
 - d) II and IV
 - e) III and IV

16. Any court may alter or add to any charge any time before

- a) The closing of arguments
- b) The judgement is written
- c) The judgement is pronounced
- d) The copy of judgement is given to the parties
- e) None of the above

17. In which Section of CrPC provision of free legal aid is made?

- a) Section 301
- b) Section 304
- c) Section 306
- d) Section 309
- e) Section 311

18. An irregularity by the Magistrate in which one of the following cases will not vitiate the proceedings?

- a) Making an order for maintenance
- b) Demanding security for good behaviour
- c) Tendering pardon to accomplice
- d) Trying an offence summarily
- e) All of the above will vitiate the proceedings.

19. Which of the following courts is not empowered to transfer criminal cases?

- a) The Supreme Court
- b) The High Court
- c) The Court of Session
- d) The Court of Special Magistrate
- e) All are empowered to transfer cases

20. Provisions as to accused persons of unsound mind is given under

- a) Chapter XIII
- b) Chapter XX
- c) Chapter XXII
- d) Chapter XXV
- e) There is no dedicated chapter for this provision

21. A judgement contains

- a) Concise statements of the case
- b) The points for determination
- c) The decision on the points of determinations and the reason thereof
- d) Both a and c
- e) All a,b and c

22. Application for anticipatory bail may be made before

- a) Chief Judicial Magistrate
- b) High Court
- c) Session Court
- d) Both b and c
- e) All a,b and c

23. When the high court or any Session Judge calls for to examine the record of any proceeding before any inferior criminal court, it is called

- a) Reference
- b) Review
- c) Revision
- d) Appeal
- e) None of the above

24. As soon as the judgement or final order disposing off a case is signed, Court may

- a) alter the sentence
- b) Review the judgement
- c) Correct a clerical error
- d) Retry the case
- e) None of the above

25. When may an accomplice be tendered pardon under Section 306 of CrPC?

- I. At any stage of investigation
 - II. At any stage of inquiry
 - III. At any stage of trial of offence
-
- a) I and II
 - b) I and III
 - c) II and III
 - d) Only I
 - e) I, II and III

26. Bailable offence is an offence which is shown bailable in_____.

- A. First Schedule
- B. Second Schedule
- C. Third Schedule
- D. Fourth Schedule
- E. Annexure.

27. A police officer may arrest without warrant in:

- A. cognizable case
- B. non-cognizable case
- C. both A and B
- D. in cognizable and bailable cases
- E. only in non-cognizable bailable cases.

28. Which of the following statements is true?

- A. an inquiry is same as a trial
- B. an inquiry and trial are types of investigation
- C. trial is a type of inquiry
- D. inquiry is not same as trial
- E. inquiry is a type of trial.

29. What is the other name for chargesheet?

- A. issues
- B. police report
- C. supplementary report
- D. First information report
- E. inquest report.

30. Who among the following is a victim?

- A. person charged of an offence
- B. person who suffered loss or injury by act of accused
- C. guardian of person who suffered loss or injury by act of accused.
- D. both B and C
- E. A and B.

31. Who appoints the executive magistrate?

- A. Judicial magistrate
- B. Chief Judicial magistrate
- C. Sessions Judge
- D. State Government
- E. Collector

32. Who may appoint Public Prosecutors in the High Court?

- A. High Court in consultation with State Government
- B. State Government in consultation with High Court
- C. Central Government in consultation with High Court
- D. Central or State Government
- E. Central or State Government in consultation with High Court.

33. Which Chapter of Criminal Procedure Code deals with Arrest of persons?

- A. Chapter V
- B. Chapter VI
- C. Chapter VII
- D. Chapter IX
- E. Chapter IV

34. Which of the following offences make general public responsible to give information to police?

- A. offences against State
- B. offences against life
- C. offences against public tranquility
- D. all of the abovementioned offences
- E. no such liability exists on the general public

35. When a police officer may be arrested without a warrant as per CrPC?

- A. S. 34
- B. S. 35
- C. S. 37.
- D. S. 40
- E. S. 41.

36. When a notice can be issued by police officer to accused for appearance?

- A. when the accused commits only a bailable offence
- B. when the accused commits a non-bailable offence
- C. when the accused commits any offence
- D. cases where arrest without warrant is not required
- E. cases where arrest without warrant is required.

37. Right of an accused person to meet a lawyer of his choice has been protected under which Section of CrPC?

- A. S. 41
- B. S. 41 A
- C. S. 41 B
- D. S. 41 C
- E. S. 41 D.

38. An accused person as a right can meet a lawyer of his choice ____

- A. during arrest
- B. only once immediately after arrest
- C. during the trial
- D. during the entire course of interrogation by police
- E. during interrogation, but not throughout the interrogation.

39. If a person commits a non-cognizable offence in presence of a police officer, and he refuses to give his name and address to the police officer, as a consequence:

- A. the police officer may obtain his address from neighborhood.
- B. the police officer may arrest him for not giving the details.
- C. the police officer cannot arrest him for details only
- D. the police officer cannot proceed further unless he gives his details
- E. the accused may call his lawyer if he is forced to give his details.

40. Who may make an arrest?

- A. police officer
- B. police officer and magistrate
- C. police officer and executive magistrate
- D. police officer and judicial magistrate
- E. police officer, private persons, Executive and Judicial magistrate.

41. When can a private person make an arrest?

- A. if the accused commits a cognizable and non-bailable offence
- B. if the accused commits a cognizable offence whether bailable or non-bailable.
- C. of a proclaimed offender
- D. A and C are correct.
- E. A, B and C are correct.

42. A police officer must _____. Which of the following is not true?

- A. inform the arrestee of the grounds of his arrest
- B. inform the arrestee full particulars of his arrest.
- C. inform an arrestee of bailable offence that he is entitled to be released on bail.
- D. inform an arrestee whether he is charged for bailable offence or non-bailable offence that he is entitled to be released on bail.
- E. None of the above.

43. Medical examination of accused is:

- A. mandatory
- B. not mandatory
- C. only if requested by the police officer for procuring evidence
- D. only if requested by the accused
- E. only if requested by the family member of accused

44. The responsibility of accused person's health rests with:

- A. State Government
- B. Central Government
- C. Police officer
- D. Person having custody of accused
- E. Investigation officer.

45. An accused person cannot be detained for more than 24 hours when:

- A. he is arrested
- B. he is arrested without warrant by police officer
- C. he is arrested by private person
- D. he is arrested by a police officer
- E. he is arrested by a magistrate.

46. Which of the following is/ are process/es to compel appearances before the court as per CrPC?

- A. Summons
- B. Search Warrant
- C. Summons and Bailable warrant
- D. Summons and Non-Bailable warrant
- E. Summons and Warrant (bailable and non-bailable)

47. What is the duration of a warrant of arrest?

- A. till it is executed
- B. till the end of trial
- C. till it is cancelled
- D. till it is executed or cancelled
- E. till it executed, cancelled or forfeited.

48. A warrant of arrest is directed to:

- A. one or more persons
- B. one or more police officers
- C. one or more police officers first and if not available can be directed to other persons
- D. one or more police officers or persons and out of them one can execute it or altogether
- E. one or more police officers or persons and if more persons are there all of them are required to execute it.

49. A warrant for the execution of a sentence shall be issued by:

- A. Judge
- B. Magistrate
- C. Judge or Magistrate who passed the sentence
- D. Judge or Magistrate who passed the sentence or his successor in office
- E. Any Judge or Magistrate

50. Once a warrant of sentence has been executed it:

- A. should be returne the officer
- B. it must be returned to the court
- C. it must be returned to the court which has issued it with endorsement.
- D. it must be handed over to the opposite party with endorsement
- E. it should be kept in the office of the court having jurisdiction where execution took place.

51. Power to suspend or remit a sentence rests with?

- A. Central Government
- B. State Government
- C. Sessions Judge
- D. High Court in consultation with State Government
- E. Appropriate Government

52. Power to commute a sentence rests with:

- A. Central Government
- B. State Government
- C. Sessions Judge
- D. High Court in consultation with State Government
- E. Appropriate Government

53. Power to commute sentence can be exercised:

- A. without consent of person sentenced
- B. only with consent of person sentenced
- C. with consent of State
- D. with consent of Victim/complainant
- E. with consent of State Government.

54. A sentence of imprisonment for life can be commuted to:

- A. imprisonment for a term minimum 14 years
- B. imprisonment for a term not exceeding 14 years
- C. imprisonment for a term not exceeding 20 years
- D. imprisonment for a term minimum 20 years
- E. imprisonment for a term not exceeding 14 years or fine.

55. A sentence of simple imprisonment shall be commuted to:

- A. fine
- B. imprisonment upto 3 years
- C. imprisonment upto 5 years
- D. imprisonment upto 7 years
- E. imprisonment of any term less than 3 years.

56. Which chapter of CrPC deals with the provisions as to Bail and Bonds?

- A. 33
- B. 32
- C. 35
- D. 36
- E. 40

57. How much period an under-trial prisoner can be detained during investigation?

- A. for half of the term of imprisonment
- B. for one fourth of the term of imprisonment
- C. for 6 months
- D. for 3 months
- E. for 9 months

58. The period of detention increased due to delay caused by accused in the proceedings shall be:

- A. included
- B. excluded
- C. included in half
- D. included in quarter
- E. not affecting for purposes of bail

59. A search warrant to search a post or parcel in postal authority can be issued by?

- A. Any court
- B. State Government
- C. Central government
- D. District Magistrate
- E. District Magistrate and Chief Judicial Magistrate

60. Search for persons wrongfully confined shall be made by?

- A. State Government
- B. Central Government
- C. District magistrate or Sub-divisional magistrate
- D. Judicial Magistrate first class
- E. District Magistrate, Sub-divisional magistrate or Judicial magistrate first class.

61. Order for maintenance of wife has been given under S. 125 of CrPC to wife____.

- A. if she is unable to maintain herself
- B. Even if she is able to maintain herself
- C. If she is able to maintain herself and husband has sufficient means
- D. if she is unable to maintain herself and husband has or does not have sufficient means
- E. Irrespective of whether she is able to maintain herself and her husband has sufficient means.

62. Who amongst the following are not entitled to maintenance under S. 125 of CrPC?

- A. wife in adultery
- B. Wife who is divorced and not remarried
- C. Wife who is living separately by mutual consent.
- D. A and C
- E. All of the above.

63. If maintenance order has been granted to a wife and later she commits adultery____?

- A. the order remains as it is
- B. the order stands cancelled.
- C. the maintenance amount is reduced.
- D. the maintenance amount is reduced to half
- E. the maintenance amount is deposited in court till matter of adultery is resolved.

64. A proceeding for maintenance under S. 125 shall be made at:

- A. A place where the non-applicant resides
- B. A place where non applicant last resided with his wife or his wife resides
- C. A place where he resides or his wife resides
- D. A place where his wife resides
- E. All of the above.

65. Information to police and their powers to investigate is provided under which chapter of CrPC?

- A. X
- B. XI
- C. XII
- D. XIII
- E. V

66. First information report is registered under which section of CrPC?

- A. 154
- B. 155
- C. 154 and 155
- D. 156
- E. 156(3)

67. A first information report is registered in:

- A. non- cognizable cases
- B. Cognizable cases
- C. Both cognizable and non-cognizable cases
- D. Cognizable and bailable offences
- E. non- cognizable non bailable offences

68. If the information of an offence under S. 376 A has to be recorded_____.

- A. it shall be recorded by a woman officer.
- B. It shall be video- graphed
- C. The police officer shall get the statement recorded under S. 164 in front of JMFC as soon as possible
- D. A and B.
- E. A, B and C.

69. A statement made to a police officer while investigation_____

- A. need not be reduced in writing
- B. need not be signed
- C. need not be recorded
- D. A and B
- E. A, B and C.

70. Which of the following is an exception to statements made to police need not be signed?

- A. dying declaration
- B. Confession
- C. Statement under S.313 of crpc
- D. a and b
- E. no exception lies.

71. A confession of accused under S. 164 of CrPC can be made_____

- A. to metropolitan magistrate
- B. to judicial magistrate
- C. to both metropolitan and judicial magistrate
- D. to metropolitan and judicial magistrate even if they don't have jurisdiction
- E. to metropolitan and judicial magistrate only if they have jurisdiction of the case.

72. A confessional statement can be made before magistrate:

- A. at any time before inquiry
- B. At any time before trial
- C. At anytime during course of investigation
- D. at anytime during course of investigation before commencement of inquiry or trial
- E. at any time during course of investigation or till the end of trial.

73. An order issued under S. 144 of CrPC shall remain in force maximum for a period of?

- A. 2 months
- B. 3 months
- C. 5 months
- D. 6 months
- E. 8 months.

74. A police officer may arrest a person designing to commit any cognizable offence_____.

- A. without warrant
- B. without order of magistrate
- C. if it appears that commission of offence cannot be otherwise prevented
- D. with order of magistrate if it appears that commission of offence cannot be otherwise prevented
- E. A, B and C

75. If the investigation is not completed in 24 hours?

- A. the accused is release on bail
- B. the accused is given compensation
- C. the accused is sent to the Magistrate custody
- D. the accused is forwarded to nearby Magistrate
- E. the accused is given interim bail by police.

76. Which of the following is true about the above-mentioned statement?

A magistrate may authorize the detention of accused after forwarded to him:

- A. only if he has jurisdiction
- B. whether he has jurisdiction or not
- C. only if trial commences
- D. till judgment is pronounced
- E. only once.

77. A magistrate can continue the accused in detention for a maximum period of _____ in the whole.

- A. 6 months
- B. 15 days
- C. 30 days
- D. 7 days
- E. 2 months.

78. Diary of proceedings in investigation is?

- A. Station diary
- B. police report
- C. chargesheet
- D. NC
- E. supplementary report

79. Statements of witnesses recorded by police as per S. 161 shall _____

- A. be inserted in case diary
- B. not be inserted in case diary
- C. have no relevance hence not entered in case diary
- D. have no relevance hence not entered in any records except the chargesheet
- E. be inserted in police report.

80. Which is the first condition requisite for initiation of proceedings?

- A. commission of offence
- B. preparation of offence
- C. cognizance of offence by magistrate
- D. production of accused before magistrate
- E. arrest of accused.

81. Who may take cognizance of an offence?

- A. Judicial magistrate first class
- B. Judicial magistrate second class
- C. Judicial Magistrate first class and second class also
- D. Sessions Judge and Magistrate
- E. Sessions Judge, Magistrate and even High Court in some cases.

82. Which of the following amounts to cognizance of offence by Magistrate?

- A. upon receiving a complaint of facts which constitute such offence;
- B. upon a police report of such facts;
- C. upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.
- D. A and B
- E. A, B and C.

83. Sessions Judge:

- A. can take cognizance of offence
- B. cannot take cognizance of offence
- C. cannot take cognizance of offence as a court of original jurisdiction
- D. can take cognizance of offence only when the case has been committed to it by Magistrate
- E. C and D.

84. Cognizance of offence in case of criminal conspiracy shall

- A. be made by Magistrate
- B. not be made unless the State Government has consented in writing to initiate the proceedings
- C. not be made unless the District Magistrate has consented in writing to initiate the proceedings
- D. be made by Sessions Judge
- E. B and C.

85. Which section of CrPC talks about Examination of complaint?

- A. S. 200
- B. S. 202
- C. S. 203
- D. S. 205
- E. S. 207.

86. Which of the following is not true about examination of complaint?

- A. magistrate takes on oath examination of complainant
- B. magistrate shall make on oath examination of witnesses
- C. substance of examination may or may not be reduced to writing.
- D. substance of examination shall be signed by the complainant and witnesses.
- E. None of the above.

87. What is the objective of postponement of issue of process?

- A. to prolong the system of inquiry
- B. to ascertain the truth
- C. to carry out inquiry or direct investigation by police
- D. to carry out inquiry or direct investigation by police for deciding whether there is sufficient ground for proceeding or not.
- E. to give the complainant chance to produce additional evidence before the court.

88. if there is no sufficient ground for proceeding against accused and it is also supported by report of S. 202_____.

- A. Court shall dismiss the complaint
- B. Court has no power to dismiss the complaint on this ground
- C. Court has power to dismiss the complaint only if complaint is frivolous.
- D. the accused gets bail immediately
- E. no First information report is entered.

89. Which is the first step of commencement of proceedings before the Magistrate?

- A. Inquiry
- B. Inquiry under S. 202
- C. Issue process
- D. cognizance of offence by police officer.
- E. cognizance of offence by Magistrate.

90. What are the number of processes issued?

- A. 2.
- B. 3
- C. 1
- D. 5
- E. 4

91. Which are the following types of processes issued?

- A. summons
- B. warrant
- C. both summons and warrant.
- D. summons and non-bailable warrant
- E. summons, bailable warrant and non-bailable warrant.

92. No summons and warrant can be issued against accused under S. 204 (1) unless

- A. charges are framed
- B. list of prosecution witnesses is filed
- C. Trial begins
- D. Police inquiry is completed
- E. the accused has got bail earlier on simple terms.

93. Who has the power to dispense with personal attendance of accused?

- A. Magistrate
- B. Judge
- C. High Court
- D. All of the above
- E. Magistrate with permission of Sessions Judge

94. In case of petty offences:

- A. special address shall be made by magistrate
- B. special summons shall be issued by magistrate
- C. magistrate shall not issue summons
- D. magistrate shall not issue warrant
- E. magistrate shall issue only summons and bailable warrant if required.

95. In case of petty offences special summons is issued against accused, the amount of fine should not exceed?

- A. 1000 rupees
- B. 500 rupees.
- C. 5000 rupees
- D. 10000 rupees
- E. 3000 rupees.

96. The accused shall be supplied the copy of police report_____

- A. free of cost
- B. at minimal cost
- C. at his own expenses
- D. at complainant's expenses
- E. only after final hearing free of cost.

97. In a case instituted on a police report if the accused pleads guilty_____.

- A. magistrate shall convict him
- B. magistrate may in his discretion convict him
- C. magistrate may not convict him
- D. magistrate shall not convict him
- E. magistrate shall have corroboration.

98. Framing of charge is covered under which section of CrPC?

- A. S. 250
- B. S. 249
- C. S. 240
- D. S. 243
- E. S. 230

99. Who among the following can be charged jointly?

- A. persons accused of the same offence committed in the course of the same transaction;
- B. persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence;
- C. persons accused of more than one offence of the same kind, within the meaning of section 219 committed by them jointly within the period of twelve months;
- D. persons accused of different offences committed in the course of the same transaction;
- E. all of the above.

100. Sessions Court may discharge the accused:

- A. as per S. 227
- B. if there is no sufficient ground to proceed against accused
- C. the judge feels there is no sufficient ground after hearing submissions of prosecution and accused
- D. A and B only are correct
- E. A, B and C all are correct

Answer Key

1. Ans- b

Section 2(c) of CrPC - “cognizable offence” means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;

Section 156 CrPC - Police officer’s power to investigate cognizable case—(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

2. Ans- c

S.178. Place of inquiry or trial.

S.320. Compounding of offences.

S.321. Withdrawal from prosecution

Ist Schedule – Classification of offences

IInd Schedule – Forms

3. Ans- a

Section 82 CrPC - Proclamation for person absconding—(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

4. Ans- c

“complaint” means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.

5.

Ans- e

Section 70 CrPC - Form of warrant of arrest and duration—(1) Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer of such Court and shall bear the seal of the Court.

(2) Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Section 72 - Warrants to whom directed—(1) A warrant of arrest shall ordinarily be directed to one or more police officers; but the Court issuing such a warrant may, if its immediate execution is necessary and no police officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same.

6. Ans- e

Section 9 CrPC - Court of Session—(1) The State Government shall establish a Court of Session for every sessions division.

(2) Every Court of Session shall be presided over by a Judge, to be appointed by the High Court.

(3) The High Court may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in a Court of Session.

7. Chief Judicial Magistrate may pass a

Ans- a

Section 29 CrPC - Sentences which Magistrates may pass—

(1) The Court of a Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years.

(2) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or of fine not exceeding ten thousand rupees, or of both.

(3) The Court of Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding five thousand rupees, or of both

(4) The Court of a Chief Metropolitan Magistrate shall have the powers of the Court of a Chief Judicial Magistrate and that of a Metropolitan Magistrate, the powers of the Court of a Magistrate of the first class.

8. Ans- c

Section 61 CrPC - Form of summons—Every summons issued by a Court under this Code shall be in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court.

9. Ans- b

Section 24(8) - The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor

10. Ans- a

A case diary is a record of daily investigation into a case. Under the provision of Section 172 of the Criminal Procedure Code (CrPC) a police officer conducting the investigation is required to maintain a record of investigation done on each day in a particular case.

11. Ans -e

Section 41 CrPC

When police may arrest without warrant.—(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person—

(a) who commits, in the presence of a police officer, a cognizable offence;

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:—

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police officer is satisfied that such arrest is necessary—

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

- (c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or
- (d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or
- (e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured, and the police officer shall record while making such arrest, his reasons in writing

12. Ans-a

Point II - Section 72 - Warrants to whom directed—(1) A warrant of arrest shall ordinarily be directed to one or more police officers; but the Court issuing such a warrant may, if its immediate execution is necessary and no police officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same.

Point III is incorrect – Section 75- Notification of substance of warrant.—The police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Point I – Section 77 - Where warrant may be executed—A warrant of arrest may be executed at any place in India.

13. Ans- a

Order for maintenance of wives, children and parents—(1) If any person having sufficient means neglects or refuses to maintain—

- (a) his wife, unable to maintain herself, or
- (b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or
- (c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or
- (d) his father or mother, unable to maintain himself or herself,

a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit and to pay the same to such person as the Magistrate may from time to time direct

“wife” includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried

14. Ans- a

Section 102 - Power of police officer to seize certain property—(1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

15. Ans- d

Section 251 CrPC - Substance of accusation to be stated—When in a summons-case the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked whether he pleads guilty or has any defence to make, but it shall not be necessary to frame a formal charge.

16. Ans- c

Section 216 CrPC

Court may alter charge—(1) Any Court may alter or add to any charge at any time before judgment is pronounced.

(2) Every such alteration or addition shall be read and explained to the accused.

17. Ans- b

S. 301. Appearance by Public Prosecutors

S. 304. Legal aid to accused at State expense in certain cases.

S. 306. Tender of pardon to accomplice.

S. 309. Power to postpone or adjourn proceedings.

S. 311. Power to summon material witness, or examine person present.

18. Ans- d

Section 460 CrPC

Irregularities which do not vitiate proceedings.—If any Magistrate not empowered by law to do any of the following things, namely:—

- (a) to issue a search-warrant under section 94;
- (b) to order, under section 155, the police to investigate an offence;
- (c) to hold an inquest under section 176;
- (d) to issue process under section 187, for the apprehension of a person within his local jurisdiction who has committed an offence outside the limits of such jurisdiction;
- (e) to take cognizance of an offence under clause (a) or clause (b) of sub-section (1) of section 190;
- (f) to make over a case under sub-section (2) of section 192;
- (g) to tender a pardon under section 306;
- (h) to recall a case and try it himself under section 410; or
- (i) to sell property under section 458 or section 459, erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

19. Ans- d

Section 406, 407 and 408 of CrPC

Section 406- Power of Supreme Court to transfer cases and appeals.

Section 407- Power of High Court to transfer cases and appeals

Section 408- Power of Sessions Judge to transfer cases and appeals

20. Ans- d

CHAPTER XIII JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS

CHAPTER XX TRIAL OF SUMMONS-CASES BY MAGISTRATES

CHAPTER XXII ATTENDANCE OF PERSONS CONFINED OR DETAINED IN PRISONS

CHAPTER XXV PROVISIONS AS TO ACCUSED PERSONS OF UNSOUND MIND

21. Ans- e

Section 354 CrPC - Language and contents of judgment—(1) Except as otherwise expressly provided by this Code, every judgment referred to in section 353,—

- (a) shall be written in the language of the Court;
- (b) shall contain the point or points for determination, the decision thereon and the reasons for the decision;
- (c) shall specify the offence (if any) of which, and the section of the Indian Penal Code (45 of 1860) or other law under which, the accused is convicted, and the punishment to which he is sentenced;
- (d) if it be a judgment of acquittal, shall state the offence of which the accused is acquitted and direct that he be set at liberty.

22. Ans- d

Section 438 CrPC - Direction for grant of bail to person apprehending arrest— (1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

23. Ans- c

Section 397 CrPC

Calling for records to exercise powers of revision—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself; to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on bail or on his own bond pending the examination of the record.

Explanation—All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of section 398.

(2) The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.

(3) If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them.

24. Ans- c

Section 362 CrPC - Court not to alter judgment—Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error

25. Ans- e

Section 306 CrPC

Tender of pardon to accomplice—(1) With a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to an offence to which this section applies, the Chief Judicial Magistrate or a Metropolitan Magistrate at any stage of the investigation or inquiry into, or the trial of, the offence, and the Magistrate of the first class inquiring into or trying the offence, at any stage of the inquiry or trial, may tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof.

26. Ans. A.

As per S. 2. (a) “bailable offence” means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and “non-bailable offence” means any other offence;

27. Ans. A.

As per S. 2. (c) “cognizable offence” means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;

S. 41(1)(a) Empowers police officer to arrest a person without warrant when a cognizable offence is committed by a person in the presence of police.

28. Ans. D.

S. 2. (g) “inquiry” means every inquiry, other than a trial, conducted under this Code by a Magistrate

or Court;

29. Ans. B.

As defined in S. 2 (r) “police report” means a report forwarded by a police officer to a Magistrate under

sub-section (2) of section 173; the word chargesheet is used in the common parlance, it is not used in crpc. It is defined under S. 173.

S. 173. . Report of police officer on completion of investigation.—(1) Every investigation under this Chapter shall be completed without unnecessary delay.....

30. Ans. D.

As per S. 2. (wa) “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;

31. Ans. D.

S. 20. Executive Magistrates.—(1) In every district and in every metropolitan area, the State Government may appoint as many persons as it thinks fit to be Executive Magistrates and shall appoint one of them to be the District Magistrate.

32. Ans. E.

S. 24. Public Prosecutors.—(1) For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or State Government, as the case may be.

33. Ans. A.

CHAPTER V ARREST OF PERSONS

34. Ans. D

S. 39. Public to give information of certain offences.

35. Ans. E.

S. 41. When police may arrest without warrant.

36. Ans. D.

S. 41A. Notice of appearance before police officer.—(1) The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

37. Ans. E.

S. 41D. Right of arrested person to meet an advocate of his choice during interrogation.—When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.

38. Ans. E.

S. 41D. Right of arrested person to meet an advocate of his choice during interrogation.—When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.

39. Ans. B.

S. 42. Arrest on refusal to give name and residence.—(1) When any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognizable offence refuse, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

40. Ans. E.

S. 41, 43 and 44 of CrPC provide for arrest made by police officer, private persons and Magistrates (Executive and Judicial).

41. Ans. D.

S. 43. Arrest by private person and procedure on such arrest.—(1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

42. Ans. D.

S. 50. Person arrested to be informed of grounds of arrest and of right to bail.—(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

43. Ans. C.

S. 53. Examination of accused by medical practitioner at the request of police officer.—(1) When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of a police officer not below the rank of sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

44. Ans. D.

S. 55A. Health and safety of arrested person.—It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.

45. Ans. B.

S. 57. Person arrested not to be detained more than twenty-four hours.—No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

46. Ans. E.

As per CrPC Chapter VI CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

A.—Summons

B- Warrant of arrest.

47. Ans. D.

S. 70. Form of warrant of arrest and duration.—(1) Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer of such Court and shall bear the seal of the Court. (2) Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

48. Ans. D,

S. 72. Warrants to whom directed.—(1) A warrant of arrest shall ordinarily be directed to one or more police officers; but the Court issuing such a warrant may, if its immediate execution is necessary and no police officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same.

(2) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more of them.

49. Ans. D

S. 425. Who may issue warrant.—Every warrant for the execution of a sentence may be issued either by the Judge or Magistrate who passed the sentence, or by his successor-in-office.

50. Ans. C.

S. 430. Return of warrant on execution of sentence.—When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it is issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

51. Ans. E.

S. 432. Power to suspend or remit sentences.—(1) When any person has been sentenced to punishment for an offence, the appropriate Government may, at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

52. Ans. E

S. 433. Power to commute sentence.—The appropriate Government may, without the consent of the person sentenced, commute—

53. Ans. A.

S. 433. Power to commute sentence.—The appropriate Government may, without the consent of the person sentenced, commute—

54. Ans. E

S. 433.

(b) a sentence of imprisonment for life, for imprisonment for a term not exceeding fourteen years or for fine;

55. Ans. A

S. 433. (d) a sentence of simple imprisonment, for fine.

56.

Ans. A.

CHAPTER XXXIII PROVISIONS AS TO BAIL AND BONDS.

57. Ans. A.

S. 436A. Maximum period for which an undertrial prisoner can be detained.—Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties.

58. Ans. B.

S. 436 A.

Explanation—In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

59. Ans. E.

S. 93. When search-warrant may be issued.—

(3) Nothing contained in this section shall authorise any Magistrate other than a District Magistrate or Chief Judicial Magistrate to grant a warrant to search for a document, parcel or other thing in the custody of the postal or telegraph authority.

60. Ans. E.

S. 97. Search for persons wrongfully confined.—If any District Magistrate, Sub-divisional Magistrate or Magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

61. Ans. A.

S. 125. Order for maintenance of wives, children and parents.—(1) If any person having sufficient means neglects or refuses to maintain—(a) his wife, unable to maintain herself, or (b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or (c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or (d) his father or mother, unable to maintain himself or herself.

62. Ans. D.

S. 125.

(1) Explanation

(b) "wife" includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried.

(4) No wife shall be entitled to receive an 5[allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be,] from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

63. Ans. B

S. 125.

(5) On proof that any wife in whose favour an order has been made under this section in living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

64. Ans. E.

S. 126. Procedure.—(1) Proceedings under section 125 may be taken against any person in any district—(a) where he is, or (b) where he or his wife resides, or(c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child.

65. Ans. C.

CHAPTER XII

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE

66. Ans. A.

S. 154. Information in cognizable cases.

67. Ans. B

S. 154. Information in cognizable cases.

68. Ans. E.

S. 154.

Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, 2[section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA,

section 376DB], section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that—(a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, 1[section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB], section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;(b) the recording of such information shall be video graphed;(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.

69. Ans. B.

S.162. Statements to police not to be signed: Use of statements in evidence.—(1) No statement made by any person to a police officer in the course of an investigation under this Chapter, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, save as hereinafter provided, at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872 (1 of 1872); and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of section 32 of the Indian Evidence Act, 1872 (1 of 1872); or to affect the provisions of section 27 of that Act.

70. Ans. A.

S. 162.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of section 32 of the Indian Evidence Act, 1872 (1 of 1872); or to affect the provisions of section 27 of that Act.

71. Ans. D

S. 164. Recording of confessions and statements.—(1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement

made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

72. Ans. E.

S. 164.

164. Recording of confessions and statements.—(1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

73. Ans. A.

S. 144.

(4) No order under this section shall remain in force for more than two months from the making thereof:

74. Ans. E.

S. 151. Arrest to prevent the commission of cognizable offences.—(1) A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

75. Ans. D.

S. 167. Procedure when investigation cannot be completed in twenty-four hours.—(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 57, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

76. Ans. B.

S. 167

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

77. Ans. B.

S. 167.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

78. Ans. A.

S. 172. Diary of proceedings in investigation.—(1) Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

79. Ans. A.

S. 167.

(1A) The statements of witnesses recorded during the course of investigation under section 161 shall be inserted in the case diary.

80. Ans. C.

CHAPTER XIV

CONDITIONS REQUISITE FOR INITIATION OF PROCEEDINGS

S. 190. Cognizance of offences by Magistrates.—

81. Ans. C

S. 190. Cognizance of offences by Magistrates.—(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence—

82. Ans. E.

S. 190 (1)

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a police report of such facts;

(c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.

83. Ans. E.

S. 193. Cognizance of offences by Courts of Session.—Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction unless the case has been committed to it by a Magistrate under this Code.

84. Ans. E.

S.196. Prosecution for offences against the State and for criminal conspiracy to commit such offence.

(2) No Court shall take cognizance of the offence of any criminal conspiracy punishable under section 120B of the Indian Penal Code other than a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, unless the State Government or the District Magistrate has consented in writing to the initiation of the proceedings.

85. Ans. A.

S. 200. Examination of complainant.

86. Ans. C.

S. 200. Examination of complainant.—A Magistrate taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:

87. Ans. D.

S. 202. Postponement of issue of process.—(1) Any Magistrate, on receipt of a complaint of an offence of which he is authorized to take cognizance or which has been made over to him under section 192, may, if he thinks fit, and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:

88. Ans. A.

S. 203. Dismissal of complaint.—If, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing.

89. Ans. C

S. 204. Issue of process.—

90.

Ans. A.

S. 204. Issue of process.—

91. Ans. C.

S. 204. Issue of process.— (1) If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be—

(a) a summons-case, he shall issue his summons for the attendance of the accused, or

(b) a warrant-case, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has no jurisdiction himself) some other Magistrate having jurisdiction.

92. Ans. B.

S. 204 (2) No summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.

93. Ans. A.

S. 205. Magistrate may dispense with personal attendance of accused.—(1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader.

(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the

proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in the manner hereinbefore provided.

94. Ans. B.

S. 206. Special summons in cases of petty offence.—(1) If, in the opinion of a Magistrate taking cognizance of a petty offence, the case may be summarily disposed of under section 260 or section 261 the Magistrate shall, except where he is, for reasons to be recorded in writing of a contrary opinion, issue summons to the accused requiring him either to appear in person or by pleader before the Magistrate on a specified date, or if he desires to plead guilty to the charge without appearing before the Magistrate, to transmit before the specified date, by post or by messenger to the Magistrate, the said plea in writing and the amount of fine specified in the summons or if he desires to appear by pleader and to plead guilty to the charge through such pleader, to authorize, in writing, the pleader to plead guilty to the charge on his behalf and to pay the fine through such pleader:

95. Ans. A.

S. 206. Special summons in cases of petty offence-

Provided that the amount of the fine specified in such summons shall not exceed one thousand rupees.

96. Ans. A.

S. 207. Supply to the accused of copy of police report and other documents- —In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost,.....

97. Ans. B.

S, 241. Conviction on plea of guilty.—If the accused pleads guilty, the Magistrate shall record the plea and may, in his discretion, convict him thereon.

98. Ans. C.

S. 240. Framing of charge.—(1) If, upon such consideration, examination, if any, and hearing, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty of the offence charged or claims to be tried.

99. Ans. E.

S. 223. What persons may be charged jointly.—The following persons may be charged and tried together, namely:—

- (a) persons accused of the same offence committed in the course of the same transaction;
- (b) persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence;
- (c) persons accused of more than one offence of the same kind, within the meaning of section 219 committed by them jointly within the period of twelve months;
- (d) persons accused of different offences committed in the course of the same transaction;

100. Ans. E.

S. 227. Discharge.—If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.