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KPK Public Service Commission
Peshawar

**Competitive Examination for the Posts of
Provincial Management Service (BPS-17), 2016**

Law Paper-II

Time Allowed: 3 Hours

Maximum Marks: 100

Please first read the following instruction carefully.

- A). Answer any FIVE questions in all choosing at least one question from each part;
B). In each of the following cases give your decision and explain in detail the legal principle that applies on the case. Your answer must correctly identify the relevant areas of law, accurately discover and apply the appropriate provision thereof. Your answer must also be well structured and well argued.
C). Please refrain from: (1). **Reproduction of facts of the cases;** (2). **Unnecessary and irrelevant details;** (3). **Unreadable handwriting.**
D). Possession or use of mobile phones or any other electronic devices in the examination hall is strictly forbidden. The use or possession of mobile phones or any other electronic devices during the examination may lead to the cancellation of paper as well as the examination.

Part-A The Code of Criminal Procedure, 1898

Question. (1). A, an accused of murder, was convicted to death sentence by a Session Judge. When the judgment of the Session Judge was submitted to the High Court for confirmation the High Court annulled the judgment of the Session Judge and sentenced the accused to 14 years rigorous imprisonment. Is the High Court empowered to do so? Why or why not? Discuss in details by referring to the relevant provisions of the Code of Criminal Procedure, 1898.

Question. (2). Discuss and differentiate between F.I.R. and Complaint by giving examples.

Question. (3). Suppose you are a Session Judge, who has sentenced an accused person to the death sentence. The death sentenced has been got confirmed by the High Court and the warrant of the execution of the sentence has properly been issued. One day before the execution of the sentence the family of the accused as well as of the deceased person file an application in your court informing that they have entered a compromise and they request that the death sentence should be annulled. Are you, as a Session Judge empowered to annul the sentence? Why or why not? Discuss in detail by referring to the relevant provisions of Code of Criminal Procedure, 1898.

Part-B The Pakistan Penal Code, 1860

Question. (4). Discuss and differentiate between Wrongful Restraint and Wrongful Confinement and by giving examples.

Question. (5). Salamat Khan, who was invited by his close friend, Sharafat Khan to a dinner had about three glasses of lasi. Just to play a joke with Salamat Khan his friend Sharafat Khan had secretly mixed in the lasi some locally made wine. In result of drinking that lasi Salamat Khan was fully under the effect of that intoxicant. While he was walking

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back to his locality late in night he severely needed some cigarettes but unfortunately the shops were closed. In the way he found a super store and he expected to find some cigarettes there. Since it was late in night and there was nobody around, therefore, he smashed the window to pick a box of Gold Leaf, however, unfortunately before he could pick the cigarettes, a police patrol party arrested him. Salamat Khan has committed:

- (a) Trespass only;
- (b) Theft plus Trespass;
- (c) Attempt to commit theft;
- (d) No offence.

Which of the above statements is correct? Support your choice with arguments and state the relevant principal of law?

Question. (6). A, who was in a severe need of money, waited in an alley until another person, B walked by on the street. Then, stepping out of the alley, he stuck his hand in his pocket with his finger thrust forward and said, "I've got a gun in this pocket." Snatching B's purse with his other hand, he ran away because B thought that he had a gun, he did not attempt to stop him. Select the offence of which A is most likely to be properly convicted.

- (a) Cheating;
- (b) Deceit;
- (c) Robbery;
- (d) Extortion;

Which of the above statement is correct support your choice with arguments and state the relevant principal of law.

Part-C The Qanoon-i-Shahadat Order 1984

Question. (7). Are the following confessions relevant? Why or Why not? Discuss in detail.

- a) Saleem, who is a TV artist, after performing in the recording of a play as a Police Inspector and was in the uniform of the Police Inspector came across Tariq, against whom a trail was going on in a murder case, in a restaurant. While having tea together Tariq, who knows that confession to a police officer is not relevant, confessed that he has committed murder.
- b) Tariq, against whom a trail was going on in a murder case, was reading *zuhar* prayer in the Police Line *Masjid*. Since he was guilty conscience he met the Imam of the *masjid*, requested him for *dua* and confessed the commission of murder in very clear words. The imam was in fact a Sub-Inspector of Police, however, besides his duties has undertaken to lead the prayers in the Police Line *Masjid*.

Question. (8). Is the e-mail record on a server relevant evidence? Why or Why not? Discuss in detail.