

**Main Examination (2011) for Recruitment of Grade-I of
Assam Judicial Service**

LAW PAPER-II

Time-3 hours

Total Marks-100

(Attempt all questions)

1. Answer the following questions by giving reasons in about 3/4 sentences with reference to the relevant provisions of law. 20×3 = 60
- (i) **Rajib**, the owner of a plot of land, transfers the same to **Mukut** in trust for himself and his intended wife **Madhu** successively for their lives, and, after the death of the survivor, the eldest son of the intended marriage for life, and, after his death for **Rajib's** 2nd son.
- Whether the interest so created for the benefit of the eldest son does take effect?
- (ii) **Ram**, who has separated from his father and partitioned the property, sales a plot of land to **Jadu** representing that he is authorized to transfer the same, though that property did not fall in his share on partition. After such sale **Ram's** father died leaving **Ram** as the sole heir.
- Whether **Jadu**, who has not rescinded the contract of sale, will acquire any right over such property and can ask **Ram** to deliver the property to him?
- (iii) **X** took a sum of Rs.10,000/- in cash from **Y** and handed over the possession of a landed property to **Y** by executing a document to the effect that **Y** and his heirs would be entitled to use and enjoy the property and in case **X** fails to repay the said amount within a period of 5(five) years, neither he nor his heirs will have any right to take back the said property.
- Whether by executing such document a mortgage by conditional sale has been created?
- (iv) **X** orally leased out his immovable property in favour of **Y** for agricultural purpose. **X** subsequently wanted to terminate the lease and take possession of the property.
- Whether such lease is terminable, if so how?
- (v) The Sessions Judge granted a person the privilege of anticipatory bail in an offence alleged to have been committed by him which is punishable under Section 376A of the Indian Penal Code, which is bailable offence.
- Whether such order is valid, if not, the reason therefor?
- (vi) An order was passed by the criminal court forfeiting the bonds of Rs.1,00,000/- each executed by two sureties for production of the property under Section 446 of the Code of Criminal Procedure and issued notice to the sureties why the penalty of Rs.1,00,000/- on each of the sureties be imposed. The sureties entered appearance and claimed to share the said amount of Rs.1,00,000/- by both of them in equal proportion.
- Whether such prayer can be allowed?
- (vii) A person is convicted of an offence attended by criminal force or by criminal intimidation. The Court finds that any other person has been dispossess of any immovable property by such force or intimidation.
- What order the Court can pass in that event?
- (viii) **A** is accused of an offence under Section 277 IPC the maximum punishment for which is for imprisonment for 3 months or fine of Rs.500/- or both. Such offence was committed on 01.01.2010. The Court took cognizance of the offence on 01.03.2011.
- Whether such order taking cognizance is valid in law, if not, why?

