

**THE GAUHATI HIGH COURT AT GUWAHATI**

(THE HIGH COURT OF ASSAM: NAGALAND: MIZORAM AND ARUNACHAL PRADESH)

**Main Written Examination for direct recruitment to  
Grade-I of Assam Judicial Service, 2019**

**PAPER – II**

**Total Marks: 100**

**Duration: 3 Hours**

**Date: 06.03.2020**

**Time: 1 PM to 4 PM**

**GROUP – A**

**TRANSFER OF PROPERTY ACT**

- Q.1. Distinguish between vested interest and contingent interest in the property. (2 Marks)
- Q.2. Write down the conditions for applicability of the doctrine of Lis Pendens. (2 Marks)
- Q.3. Mention the condition for creation of mortgage by conditional sale. Whether it is mandatory to mention the condition in the document which purports to effect the sale. (1+1=2 Marks)
- Q.4. State three modes by way of which a lease of an immovable property is determined. (1+1+1=3 Marks)
- Q.5. 'A' executes a deed of immovable property in favour of 'B' vide a registered gift deed. 'B' is not informed about the gift. 'A' changes his mind and revokes the gift. Thereafter 'B' comes to know about the gift and property. Answer the claim of 'B' over the gifted property. (2 Marks)
- Q.6. Mention three rights which cannot be transferred under Section 5 of the T.P. Act. (3 Marks)
- Q.7. Interpret "attested" in relation to an instrument and "actionable claim" under the T.P. Act. (1+1=2 Marks)

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**GROUP – B**

**CIVIL PROCEDURE CODE**

- Q.1. Define (i) Decree (ii) Mesne profits. (2+1=3 Marks)

- Q.2. Mention the conditions stipulated in the C.P.C. that bar a fresh suit. (4 Marks)
- Q.3. What is 'substituted service' of summons and its effect? (2+1=3 Marks)
- Q.4. What are the basis on which the Civil Court may frame issues in a suit? (2 Marks)
- Q.5. When does the Court passes a preliminary decree in a suit for partition? (1 Mark)
- Q.6. What are the conditions for issuance of notice to garnishee for recovery of a debt? (2 Marks)
- Q.7. When transposition of defendants as plaintiffs may be permitted? (2 Marks)
- Q.8. Whether a suit shall lie to set aside a decree on the ground that the compromise on which the decree is based was not lawful? (1 Mark)
- Q.9. What are the grounds for review of a decree or order? (2 Marks)
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**GROUP – C**

**CRIMINAL PROCEDURE CODE**

- Q.1. What are the classes of criminal Courts in the State of Assam? (3 Marks)
- Q.2. What are the obligations of person making arrest and the duty on the Magistrate before whom such arrested person is produced? (3+1=4 Marks)
- Q.3. Broadly speaking what do you understand by the term "taking cognizance of an offence"? (1 Mark)
- Q.4. Whether criminal Court has power to summon any person for additional evidence at any stage i.e. even after the case of both sides is being closed? (1 Mark)
- Q.5. What power the criminal Courts have to examine the accused and what is the value of such answers? (3 Marks)
- Q.6. What conditions are to be imposed if a person of unsound mind incapable of entering defence is decided by the Magistrate to release him? (2 Marks)
- Q.7. Writ a short note on victim compensation scheme introduced in the Cr.PC, 1973. (3 Marks)
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**GROUP – D**

**INDIAN PENAL CODE**

- Q.1. Define criminal conspiracy? (2 Marks)
- Q.2. The companion of the accused person on whose cycle the accused was sitting, continued to pedal and cycle after the accused person fired the pistol and that the companion too ran away with the accused person. Whether the companion could be roped in with the accused person under Section 34 I.P.C.? (1 Mark)
- Q.3. 'Common intention' and 'similar intention' – which one forms the ingredient to attract Section 34 I.P.C.?(1 Mark)
- Q.4. When the appellant was tried with other accused persons under Section 302 read with Section 34, I.P.C., and when the other accused have been acquitted and the doctor found four injuries on deceased caused by firearms and was collectively sufficient in the ordinary course of nature to cause death. But the doctor refused to opine that two injuries attributed to appellant's firing were sufficient to cause death. Which is the appropriate Section for appellant's conviction? (1 Mark)
- Q.5. In a scuffle deceased inflicted three stick blows on accused and in return accused inflicted knife injuries to deceased. Right of private defence exceeded medical opinion that one of injuries on deceased was sufficient to cause death, in ordinary course. Whether offence of murder established? (1 Mark)
- Q.6. Define 'affray' and distinguish it from a 'riot'. (1+2=3 Marks)
- Q.7. What are the basic requirements to prove an offence of criminal breach of trust? (2 Marks)
- Q.8. Define the offence of Voyeurism and Stalking. (1+1=2 Marks)
- Q.9. Define Criminal intimidation. (2 Marks)
- Q.10. Accused person removes stamps from legal documents and reuses it. Whether offence of forgery is attracted? (1 Mark)

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**GROUP – E**  
**INDIAN EVIDENCE ACT**

- Q.1. Under what circumstances an admission in a civil case irrelevant? (1 Mark)
- Q.2. What is a dying declaration? Enumerate the grounds on which dying declarations are admitted in evidence. (1+1=2 Marks)
- Q.3. In what cases, if any, can the confession of an accused person be used against a co-accused? (1 Mark)
- Q.4. Distinguish between a "judgment in rem" and a "judgment in personam" for the purposes of the Indian Evidence Act. (2 Marks)
- Q.5. How is a fact in reference to expert opinion relevant when it is not otherwise relevant? (1 Mark)
- Q.6. Whether Chapter VI "of the exclusion of oral by documentary evidence" of the Indian Evidence Act affect any of the provisions of the Indian Succession Act (X of 1865) as to construction of wills? (1 Mark)
- Q.7. State the rule of Indian Evidence Act as to burden of proof in matters (a) partnership and (b) ownership. (1+1=2 Marks)
- Q.8. Distinguish (i) 'estoppel' from 'presumption' and (ii) 'estoppel' from 'res-judicata'. (1+1=2 Marks)
- Q.9. What constitutes incompetency to give evidence? (1 Mark)
- Q.10. "What is in writing shall only be proved by the writing itself." Are there any exceptions to this rule? (2 Marks)
- Q.11. State the rules regarding cross-examination of a witness by his previous statement. (2 Marks)
- Q.12. Whether voters list is a public document? If so, mention the relevant fact you relied. (1+1=2 Marks)
- Q. 13. What is meant by "proving a document"?(1 Mark)

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**GROUP – F**  
**LIMITATION ACT**

- Q.1. Whether the period of limitation prescribed for filing a suit could be extended?  
(1 Mark)
- Q.2. Whether Section 5 of the Limitation Act for extension of present period is applicable in an execution proceeding for execution of a decree?  
(1 Mark)
- Q.3. State the provision under the Limitation Act, 1963 for a person under legal disability like a minor or insane for filing a suit or appeal.  
(1 Mark)
- Q.4. What are the prescribed time periods to have the legal representative of a deceased plaintiff or defendant under the Civil Procedure Code made party in a suit and the starting point for running the prescribed period of time?  
(2 Marks)
- Q.5. What are the prescribed time period and the time for from which period begin to run in a suit by a mortgage for foreclosure and for possession of immovable property mortgaged?  
(2 Marks)
- Q.6. Discuss extinguishment of right to property and acquisition of ownership by way of prescription.  
(3 Marks)
- Q.7. What is the time period stipulated for a suit to enforce a right to share in a joint family property by a person excluded from such joint property?  
(1 Mark)

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