

**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 : 03 Hours

Date : 22<sup>nd</sup> June, 2019

Time : 01:00 pm to 04:00 pm

~~~~~

**GROUP - A**

**TRANSFER OF PROPERTY ACT**

- Q.1. What are conditional transfers? When are they valid and when are not?  
2 Marks
- Q.2. What are the liabilities of the seller before and after completion of the sale?  
2 Marks
- Q.3. What are the modes of transfer in mortgage?  
2 Marks
- Q.4. What is a Gift? What are the essentials of a valid Gift?  
2 Marks
- Q.5. What are the classes of leases? What are the modes to create a lease? What are the consequences of non-registration of a lease?  
1+2+1 = 4 Marks

~~~~~

**GROUP - B**

**CIVIL PROCEDURE CODE**

- Q.1. Point out the distinction between Decree and Order?  
2 Marks
- Q.2. Distinguish between "res-judicata" and "estoppel"?  
2 Marks
- Q.3. Define "counter-claim"? Distinguish it from "set-off"?  
2 Marks

- Q.4. What should a Court do when plaintiff is present and defendant is absent? What remedies are available to defendant in such case?  
2 Marks
- Q.5. In what cases suit or appeal does not abate on death of the party? What are the exceptions?  
2 Marks
- Q.6. What should a public officer do on receiving a summons of a suit complaining against an act purporting to have been done by him/her in his/her official capacity and how should a Government pleader appear for a public officer?  
2 Marks
- Q.7. What procedures should be followed in a suit concerning a public charity?  
2 Marks
- Q.8. What are the grounds that can be taken for the first time in an appeal? What are the powers of an appellate Court in deciding an appeal? When can an appellate Court send the case back on remand?  
2+2+1 = 5 Marks

~~~~~

### **GROUP - C**

#### **CRIMINAL PROCEDURE CODE**

- Q.1. Define "charge" and distinguish it from "offence"?  
2 Marks
- Q.2. What are the powers of Sessions Judge, Additional Sessions Judge, Assistant Sessions Judge, Chief Judicial Magistrate and Magistrate of First and Second Class to pass maximum sentences?  
2 Marks
- Q.3. Whether a Police Officer can arrest a person without a warrant, if so, when and how long the said officer can detain the person arrested, in custody?  
2 Marks
- Q.4. How can the order of maintenance be enforced?  
2 Marks
- Q.5. Define "charge"? What are the contents? What do you mean by "framing of charge"? Can a Court alter any charge and if so under what circumstances it can be done?  
1+1+1+2 = 5 Marks

Q.6. What procedure is to be adopted by a Court where the accused is deaf or dumb or does not understand the proceedings?

2 Marks

Q.7. State if a Sessions Judge can withdraw or recall any case or appeal made over to any Assistant Sessions Judge or a Chief Metropolitan Magistrate subordinate to him/her?

2 Marks

Q.8. What is the remedy of the innocent purchaser of the stolen property?

2 Marks

~~~~~

### **GROUP - D**

#### **INDIAN PENAL CODE**

Q.1. Distinguish between (i) "wrongful gain" and "wrongful loss" and (ii) "dishonestly" and "fraudulently"?

1 + 1 = 2 Marks

Q.2. Who is an abettor and what is the punishment of abetment?

2 Marks

Q.3. Define "Dacoity" and distinguish it from "Robbery"?

2 Marks

Q.4. What are the essential ingredients of "theft"? Whether a husband is liable for stealing the property of his wife or whether wife is liable for stealing the property of her husband?

1+1 = 2 Marks

Q.5. Define the offence of "defamation" and state its ingredients as well as the exceptions to the offence of defamation?

1+1+1= 3 Marks

Q.6. Distinguish between "forgery" and "fabricating false evidence"?

2 Marks

Q.7. Define "wrongful restraint" and "wrongful confinement" and distinguish between the two?

2 Marks

Q.8. Distinguish between "murder" and "culpable homicide not amounting to murder"?

4 Marks

~~~~~

**GROUP - E**

**INDIAN EVIDENCE ACT**

- Q.1. Define and distinguish "Relevant Fact" and "Fact in issue"?  
2 Marks
- Q.2. "Admissions" are not conclusive proof of the matters admitted, but may operate as "estoppel". Elucidate?  
5 Marks
- Q.3. State under what circumstances the secondary evidence is admissible in Court of law?  
2 Marks
- Q.4. Explain whether an accomplice can be a competent witness against an accused person?  
2 Marks
- Q.5. What is the provision regarding refreshing the memory of the witness, in the Indian Evidence Act?  
2 Marks
- Q.6. When a Court permits a party to question his own witness?  
2 Marks
- Q.7. How can the public documents be proved?  
2 Marks
- Q.8. State the facts of which Court must take judicial notice or which need not be proved"?  
2 Marks
- ~~~~~

**GROUP - F**

**LIMITATION ACT**

- Q.1. Answer the following: 1/2 x 6 = 3 Marks
- (i) A suit filed, appeal preferred and application made after period of limitation
- A. Would be accepted                      B. Would be dismissed
- C. None of above

- (ii) The Law of Limitation is not applicable to
- |                        |                          |
|------------------------|--------------------------|
| A. Civil matters       | B. Revenue matters       |
| C. Inheritance matters | D. All (A), (B) and (C). |
- (iii) As per section 4 of the Limitation Act of 1963 where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed
- |                                                           |                                                                                                  |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| A. The suit, appeal or application can not be filed later | B. The suit, appeal or application may be instituted / preferred on the day when Court re-opens. |
| C. Both (A) and (B).                                      | D. None of above.                                                                                |
- (iv) Section 5 of Limitation Act provides
- |                                                     |                                     |
|-----------------------------------------------------|-------------------------------------|
| A. Bar upon institution of suits.                   | B. Bar upon institution of appeals. |
| C. Extension of limitation period in certain cases. | D. Both (A) and (B).                |
- (v) As per section 12, of the Limitation Act, in computing the period of limitation prescribed for any suit, appeal or application the day from which such period is reckoned
- |                      |                      |
|----------------------|----------------------|
| A. Shall be excluded | B. Shall be included |
| C. Both (A) and (B). | D. None of above     |
- (vi) Name the calendar used in all instruments for the purpose of Limitation Act, 1963?
- |                    |                             |
|--------------------|-----------------------------|
| A. Roman Calendar  | B. English Calendar         |
| C. Julian Calendar | D. Gregorian Calendar       |
| E. Swiss Calendar  | F. Indian National Calendar |

Q.2. What are the difference between limitation and prescription?

2 Marks

Q.3. State the effect of limitation of death before or after the right to sue accrues?

2 Marks

Q.4. When does the limitation bars the remedy only and extinguish the right also? Elucidate.

$2\frac{1}{2} + 2\frac{1}{2} = 5$  Marks

\*\*\*\*\*

