

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, 2021.

Total Marks: 100
Date: 26.02.2022 (Saturday)

Duration: 3 hours
Time: 1 pm to 4 pm

(PAPER-II)

All Questions carry 1 (one) mark each. There is no negative marking.

Group A

The Transfer of Property Act

1. Under the provisions of Section 18 of Transfer of Property Act, 1882, the provisions of some sections shall not apply in case of a transfer of property for the benefit of the public in the advancement of religion, knowledge, commerce, health and safety or any other object beneficial to mankind. These sections are:-
 - a. 13, 14, 15 and 16
 - b. 14, 16 and 17
 - c. 14, 16, 17 and 18
 - d. 14, 15 and 20
2. 'X' marries 'Y' but in case she dies in his lifetime, he would transfer the property to 'Z'. 'X' and 'Y' perish together under circumstances which make it impossible to prove that she died before him. The disposition of property in favour of 'Z':-
 - a. does not take effect
 - b. takes effect
 - c. disposition is subject to another contract
 - d. none of the above
3. The expression 'holding over' under the Transfer of Property Act, 1882, is used in the sense of retaining possession. A distinction is made between a tenant continuing in possession after the determination of the lease without the consent of the landlord and a tenant doing so with the landlord's consent:-
 - a. the former is called a 'tenant by sufferance' and the later class of tenants is called 'tenant holding over a tenant at will'.
 - b. the former is called 'tenant holding over a tenant at will' and the latter is called 'tenant by sufferance'.
 - c. former is called sub-tenant and latter is called forfeiture lessor.
 - d. none of the above
4. Zuripeshgi lease bears a close resemblance to usufructuary mortgage but are not mortgages:-
 - a. unless the lease is for the particular purpose
 - b. unless the lease is for the purpose of securing a debt
 - c. only (a) is correct
 - d. none of the above
5. Legal subrogation occur in the following ways:-
 - i. a puisne mortgage redeeming a prior mortgage.
 - ii. a co-mortgagor's surety redeeming the mortgage.
 - iii. mortgagor's surety redeeming.
 - iv. a purchaser of the equity of redemption redeeming a mortgage.
 - a. only (i) and (ii) are relevant

- b. only (iii) and (iv) are relevant
 - c. only (ii) and (iv) are relevant
 - d. (i), (ii), (iii) and (iv) are relevant
6. Which of the provision is true in the light of the Section 66 of the Transfer of Property Act, 1882:-
- a. a security is sufficient unless the value of the mortgaged property exceeds 1/3 or if consisting of buildings, exceeds by 1/2 the amount for time being due on the mortgage.
 - b. a security is insufficient unless the value of the mortgaged property exceeds by 1/3, or if consisting of buildings, exceeds by 1/2, the amount for the time being due on the mortgage.
 - c. no provision for security is provided under Section 66 of the Transfer of Property Act, 1882.
 - d. none of the above
7. Doctrine of 'Cypres' means the interference of Courts:-
- a. To carry out the purpose of accumulation in certain events.
 - b. To supervise the events of accumulation.
 - c. To implement the rules against accumulation
 - d. To see that the accumulated interest is properly expended.
8. Except in the case of Simple mortgage where principal money securing is less than Rs. 100/- it may be effected:-
- a. Orally
 - b. By unregistered document
 - c. By delivery
 - d. By registered document attested by the mortgagee and one witness
9. Obligation annexed to ownership but not amounting to interest on easement is otherwise known as:-
- a. Restrictive covenants
 - b. Covenants running with the land
 - c. Contractual obligation annexed to ownership
 - d. None of the above
10. The mortgagor is bound to pay interest at the rate of _____ per annum if not fixed for the proper cost incurred for the improvements under Section 63A of the Transfer of Property Act, 1882:-
- a. 6%
 - b. 9%
 - c. 12%
 - d. None of the above
11. Election becomes necessary when the transferor:-
- a. Confers benefit on the owner of the property on which he has no right.
 - b. Professes to transfer property which he has no right to transfer.
 - c. Professes to transfer property which he has right to transfer.
 - d. Professes to transfer property which he has right to transfer and no right on the benefit conferred.
12. Where two properties belong to the same owner, one property is mortgaged to secure one debt and both properties are mortgaged to secure another debt and the former debt is paid out of the former property, each property is:-
- a. liable to contribute rateably to the latter after deducting the amount of former debt from the value of property out of which it has been paid.

- b. not liable to contribute rateably to the latter after deducting amount of the former debt.
 - c. debt liable to be deducted amount only
 - d. None of the above.
13. Where several co-owners of immovable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transfers, the transfer as among such transferors, takes effect on such share:-
- a. inequally where the shares were equal and where they are unequal proportionally to the extent of such shares.
 - b. equally where the shares are equal and where they are unequal proportionately to the extent of such shares.
 - c. only (a) is correct
 - d. None of the above
14. The provision of improvements made by bona fide holders under defective titles is dealt in:-
- a. Section 50 of the Transfer of Property Act, 1882.
 - b. Section 51 of the Transfer of Property Act, 1882.
 - c. Section 53 of the Transfer of Property Act, 1882.
 - d. None of the above
15. Provisions of Section 38 of the Transfer of Property Act, 1882, does not apply to cases falling under:-
- a. benamidars or ostensible owners who can give no title except by estoppel.
 - b. contingent transfer which is based on happening and not happening of certain events.
 - c. perpetual transfer
 - d. None of the above.

Group B
Civil Procedure Code

1. Where a Judgement debtor puts any resistance or obstruction to the decree holder in execution of a decree for possession of immovable property, the Judgement debtor is liable under Section 74 of the C.P.C. to be:-
- a. detained in the civil prison for a tenure which may extend to 60 days.
 - b. detained in the civil prison for a tenure which may extend to 30 days.
 - c. detained in the civil prison for a tenure which may extend to 15 days.
 - d. detained in the civil prison for a tenure which may extend to 7 days.
2. A sues B for specific performance of a contract. In the plaint A seeks the relief of specific performance. He does not seek any relief in the alternative. The Court determines that it cannot order the specific performance of the contract. Can the Court award compensation instead?
- a. Yes, as Specific Relief Act directs that compensation must be awarded.
 - b. Compensation can be awarded since Order VII, Rule 7 of the Code of Civil Procedure provides that any other relief can be awarded and the same does not have to be specifically pleaded.
 - c. Compensation can be awarded only after the Court allows the plaint to be amended for including a claim for compensation.
 - d. No, damages cannot be awarded since the relief of specific performance and of compensation are inconsistent pleadings and therefore no amendment can be brought to this effect.
3. 'X' files a suit for declaration of title and permanent injunction against 'Y' and files an application for temporary injunction under Order XXXIX, Rule 1(c), C.P.C. The Court dismisses the application for temporary injunction 2 months later. During the pendency of

- the suit 'X' again files for temporary injunction under Order XXXIX, Rule 1(c), C.P.C., citing new facts and changed circumstances.
- a. the second application is barred by *res judicata*.
 - b. *res judicata* does not apply to interlocutory orders like temporary injunctions.
 - c. the decision given by the Court on the first application is binding throughout the pendency of the trial and can be altered only on appeal.
 - d. the second application is barred by the principle of *res judicata*.
4. If a plaintiff fails to sue for the whole of the claim which he is entitled to make in respect of a cause of action in the first suit, then he is precluded from suing in the suit in respect of portion so omitted by virtue of:-
 - a. Order II, Rule 2(3) of C.P.C.
 - b. Order II, Rule 3 of C.P.C.
 - c. Order II, Rule 4 of C.P.C.
 - d. Order II, Rule 5 of C.P.C.
 5. On dismissal of the suit for non-compliance with an order for discovery under Order XI, Rule 21 of the C.P.C.,
 - a. the plaintiff can bring a fresh suit on the same cause of action as a matter of right.
 - b. the plaintiff can bring a fresh suit on the same cause of action only with the leave of the Court.
 - c. the plaintiff can bring a fresh suit on the same cause of action only if the Court dismissing the suit has granted liberty to file a fresh suit.
 - d. the plaintiff is precluded from bringing any fresh suit on the same cause of action.
 6. Does the Civil Court (Trial Court) have the power of restitution on variation of a decree or order in appeal?
 - a. Trial Court of first instance that had passed the decree has the power of restitution.
 - b. A separate Civil suit has to be filed for restitution under Section 144(1) of the Code of Civil Procedure, 1908 applies.
 - c. Trial Court of first instance that had passed the decree has no power of restitution.
 - d. There is no power of restitution.
 7. Dasti summons for serving on the defendant(s) can be given to the plaintiff by virtue of :-
 - a. Order V, Rule 9A of the C.P.C.
 - b. Order V, Rule 9 of the C.P.C.
 - c. Order V, Rule 7 of the C.P.C.
 - d. Order V, Rule 6 of the C.P.C.
 8. A decision in a suit may operate as *res-judicata* against persons not expressly named as parties suing in the suit by virtue of explanation:-
 - a. II to Section 11 of C.P.C.
 - b. IV to Section 11 of C.P.C.
 - c. VI to Section 11 of C.P.C.
 - d. VIII to Section 11 of C.P.C.
 9. When an ex-parte decree is passed, the defendant would normally ask for setting aside of ex-parte decree:-
 - a. by filing an application under Order IX, Rule 13 of the Code of Civil Procedure.
 - b. by filing a revision petition under Section 115 of the Code of Civil Procedure.
 - c. by filing a petition under Article 227 of the Constitution of India.
 - d. by filing an application under Order IX, Rule 7 of the Code of Civil Procedure.
 10. When on the day to which the hearing of the suit is adjourned, the parties or any of them fail to appear:-
 - a. Order XVII, Rule 2 of C.P.C. shall apply.
 - b. Order XVII, Rule 3 of C.P.C. shall apply.

- c. Both Order XVII, Rule 2 of C.P.C. and Order 17, Rule 3 of C.P.C. shall apply.
 - d. Neither Order XVII, Rule 2 of C.P.C. nor Order 17, Rule 3 of C.P.C. shall apply.
11. Attachment before judgment in a suit dismissed in default:-
 - a. revives automatically on the restoration of the suit.
 - b. does not revive automatically on the restoration of the suit.
 - c. may or may not revive depending on the facts and circumstances of the case.
 - d. neither (a) nor (b)
 12. 'A' sues 'B' for a declaration that he is the owner of certain property. The suit is dismissed holding that he is not the owner. At the time of the suit 'A' is in adverse possession of the property but has not perfected his title. After the statutory period, 'A' files another suit on the basis of his title by adverse possession. The subsequent suit is dismissed as it is barred under Section 11. The Order is :-
 - a. Legal
 - b. Illegal
 - c. Improper
 - d. Justifiable
 13. When it is found that the summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the Court-fee on postal charges, if any, chargeable for such service, on failure to present copies of the plaint as required by Rule 9 of Order VII, the Court may make an order that the suit be _____.
 - a. Adjourned
 - b. Rejected
 - c. Dismissed
 - d. Any of the above.
 14. If sufficient cause is shown by the plaintiff for his default of appearance, restoration of suit is _____.
 - a. Mandatory
 - b. Directory
 - c. Discretionary
 - d. None of the above
 15. Written questions answerable on oath relating to any matter relevant to an action, which a party may administer, with the permission of the Court are:-
 - a. Discovery
 - b. Affidavits
 - c. Interrogatories
 - d. None of the above
 16. Issues must be confined to:-
 - a. Facta Probandum
 - b. Facta Probantia
 - c. Both (a) and (b)
 - d. None of the above
 17. In which of the following cases, the rate of interest may exceed 6%?
 - a. In commercial transaction
 - b. Interest pendente lite
 - c. Interest from date of decree
 - d. All of the above
 18. The omission of the Court in formulating the 'substantial question of law' (while admitting the appeal) does not preclude the same from being heard. The statement is:-
 - a. True

- b. False
 - c. Depends
 - d. None of the above
19. Where it appears to the Court that any joinder of defendants may embarrass the trial, the Court may:-
- a. Dismiss the suit
 - b. Reject the suit
 - c. Order separate trials
 - d. None of the above
20. A suit in representative capacity can be filed by virtue of :-
- a. Under Order I, Rule 8A of C.P.C.
 - b. Under Order I, Rule 10A of C.P.C.
 - c. Under Order I, Rule 8 of C.P.C.
 - d. Under Order I, Rule 9 of C.P.C.

Group C
Criminal Procedure Code (Cr.P.C.)

1. Accused 'A' makes a confession in front of his friend 'B' when 'B' goes to meet 'A' as 'A' is to be produced for remand in the Court. The confession is that he i.e. 'A' has murdered 'C'. The confession is :-
 - a. Inadmissible in evidence since it is made in Police custody.
 - b. Admissible in evidence as it is made in the Court room.
 - c. Admissible in evidence as it is made before a friend.
 - d. Inadmissible in evidence as made out of fear.

2. A case which includes cognizable offences and non-cognizable offence is :-
 - a. a cognizable case but requires sanction of the Magistrate for investigation into the non-cognizable part under Section 155(2) of Cr.P.C.
 - b. a cognizable case and as such the investigation of the case does not require any sanction of the Magistrate under Section 155(2) of Cr.P.C.
 - c. a non-cognizable case and as such the investigation of the case requires sanction of the Magistrate under Section 155(2) of Cr.P.C.
 - d. a non-cognizable case but does not require sanction of the Magistrate under Section 155(2) of Cr.P.C.

3. In a joint trial where several accused persons are being tried, one accused examines himself as a witness, now :-
 - a. all the other co-accused, if there are more than one co-accused other than the accused examining himself as a witness, have a right to cross-examine that accused, as a matter of right.
 - b. all the other co-accused have a right to cross-examine that accused if the accused examining himself deposes something against one of the co-accused.
 - c. only that co-accused has a right to cross-examine the accused examining himself as a witness, against whom such an accused has deposed something.
 - d. the co-accused do not have any right at all to cross-examine the accused examining himself as a witness under any circumstances.

4. On completion of investigation, the officer-in-charge of the police station shall forward the police report under Section 173(2) Cr.P.C. to-
 - (a) Sessions Court
 - (b) Chief Judicial Magistrate
 - (c) Any Judicial Magistrate

(d) Magistrate empowered to take cognizance of an Officer

5. When can a trial Court release an accused on bail under Section 389(3) of Cr.P.C. after conviction-

- (a) When accused is on bail and imprisonment is not exceeding 3 years.
- (b) When accused is on bail and imprisonment is not exceeding 5 years.
- (c) When accused is on bail and imprisonment is not exceeding 7 years.
- (d) When offence is exclusively bailable whether accused is on bail or not.

6. If one is accused of an act, which may amount to theft, or receiving stolen property or cheating and is charged for theft only and from the evidence it appears that he has committed cheating, he can be convicted for cheating through no charge for cheating has been formally framed, by virtue of-

- (a) Section 214 of Cr.P.C
- (b) Section 221 of Cr.P.C
- (c) Section 223 of Cr.P.C
- (d) Section 224 of Cr.P.C

7. On receipt of a complaint, before ordering investigation by the police, under Section 156(3) of Cr.P.C, the Magistrates has to see that-

- (a) The complaint discloses cognizable offence(s) triable by the Magistrate.
- (b) The complaint discloses cognizable offence(s) exclusively triable by the Court of Session.
- (c) The complaint discloses cognizable offence(s) irrespective of whether the same is triable by the Magistrate or exclusively by the Court of Session.
- (d) The complaint discloses cognizable offence(s) only triable by the Magistrate and not exclusively triable by the Court of Sessions, as it is for the Magistrate to enquire himself into offences exclusively triable by Court of Sessions.

8. The prohibition contained in Section 162 of Cr.P.C-

- (a) Shall not apply where the statement made to the police during investigation is made admissible under any other provision of the code.
- (b) Shall apply even where the statement made to the police officer during the investigation is made admissible under any other provision of the code as section 162 has an over riding effect.
- (c) May or may not apply where the statement made to the police during investigation is made admissible under any other provisions of the code, depending on the facts and circumstances of the case.
- (d) May or may not apply where the statement made to the police during investigation is made admissible under any other provision of the code, depending on the discretion of the Court.

9. A magistrate not empowered by law to order, Section 155 of Cr.P.C, the police to investigate an offence, orders the police to investigate the offence. Such order is-

- (a) Illegal and cannot be protected under Section 460 of Cr.P.C.
- (b) Irregular and is protected under Section 460 of Cr.P.C.
- (c) Illegal but not liable to be set aside, unless it amounts to miscarriage of justice.
- (d) Irregular but liable to be set aside.

10. Under Section 456 of Cr.P.C-

- (a) Possession of an immovable property cannot be restored at all and a person has to resort to Civil Court.
- (b) Possession of an immovable property can be restored only in case the person is convicted.
- (c) Possession of an immovable property can be restored even in case of the person is acquitted.
- (d) Possession of an immovable property can be restored in case of conviction even though the findings of the Civil Court are in favour of the person convicted.

11. Section 323 of Cr.P.C provides for committal of cases to the Court of Sessions-

- (a) Which disclose commission of offences exclusively triable by the Court of Sessions.
 (b) Which the Magistrate thinks ought to be tried by the Court of Sessions.
 (c) Both (a) and (b)
 (d) None of the above.
12. Where a witness is called by the Court as a Court witness, a previous statement made by him to the police can-
- (a) Be used by the accused for contradicting such witness.
 (b) Be used by the prosecution for contradicting such witness with the permission of the Court.
 (c) Either(a) or (b)
 (d) Not be used either by the accused or by the prosecution for any purpose.
13. Failure to get the signature of the person making the confession is-
- (a) Not very material if the making of such statement is not disputed by the accused.
 (b) Not very material even if the making of the statement is disputed by the accused.
 (c) Not very material irrespective of whether making of such statement is disputed or not disputed by the accused and the defect is curable under Section 463 of Cr.P.C.
 (d)Very material in all circumstances and is fatal.
14. The non-compliance with the provision of Section 164 of Cr.P.C.-
- (a) Reduces the statement recorded by the Magistrate to a nullity.
 (b) Is an irregularity curable under Section 463 of Cr.P.C.
 (c) Both (a) and (b)
 (d) Neither (a) and (b)
15. When can an offence otherwise compoundable not be compounded-
- (a) When the person competent to compound is dead.
 (b) When the person competent to compound is under 18 years of age.
 (c) When the accused has been committed for trial.
 (d) When the accused is, by reason of a previous conviction, liable either to enhanced punishment or to a punishment of a different kind of such offence.

GROUP -D
EVIDENCE

1. A communication made to the spouse during marriage, under Section 122 of Evidence Act-
- (a) Remains privileged communication after the dissolution of marriage by divorce or death.
 (b) Does not remain privileged communication after the dissolution of marriage by divorce or death.
 (c) Does not remain privileged communication after the dissolution of marriage by divorce, but remains privileged even after death.
 (d) Remains privileged after the dissolution of marriage by divorce but not so on after death.
2. Under Section 145 of Evidence Act, a witness may be contradicted as to previous statement in writing-
- (a) Without proving the same and without showing the same to the witness.
 (b) Without proving the same but only after showing the same to the witness.
 (c) After proving the same way before showing the same to the witness.
 (d) After proving the same and showing the same to the witness.
3. The question is whether the murder of "X" was committed by "Y". The fact that "Y" produces an admission slip of hospital indicating dislocation of his hip bone during the period of alleged murder. Which one among the following is the correct provision of the Indian Evidence Act under which it is relevant?
- (a) Section 6
 (b) Section 9

- (c) Section 10
- (d) Section 11

4. Test Identification Parade conducted during investigation of a case is admissible in evidence under which section of the Evidence Act, 1872?

- (a) Section 5
- (b) Section 9
- (c) Section 8
- (d) Section 14

5. Under Section 41 of Evidence Act the presumption is with respect to-

- (a) Judgments in rem when they are inter-partes
- (b) Judgments in rem whether such judgments are inter-partes or not.
- (c) Judgments in personam
- (d) All of the above

6. "Best Evidence Rule" is exclusively associated with the rule laid down in-

- (a) Section 62 of the Evidence Act
- (b) Section 90 of the Evidence Act
- (c) Section 93 of the Evidence Act
- (d) Section 91 of the Evidence Act

7. The general rule is that the opinion or belief of a witness is irrelevant. Certain exceptions to this rule have been laid down in Indian Evidence Act. The Sections containing these exceptions are-

- (a) Section 52 to 55
- (b) Section 10 to 15
- (c) Section 6 to 9
- (d) Section 45 to 51

8. Admission to be relevant-

- (a) Must be made to the party concerned and not to a stranger.
- (b) Must be made to a stranger.
- (c) It is immaterial as to whom admission is made and an admission made to a stranger is relevant.
- (d) It is immaterial to whom the admission is made but must be made to someone intimately connected and not a stranger.

9. Which of the following is true as to the standard of proof in criminal and civil proceedings-

- (a) In criminal proceedings the standard is beyond reasonable doubt and also in civil proceedings.
- (b) In criminal proceedings the standard is beyond reasonable doubt while in civil proceedings it is 'upon the balance of probabilities.'
- (c) In criminal and civil proceedings both it is 'upon the balance of probabilities.'
- (d) In criminal proceedings it is 'upon the balance of probabilities' while in civil 'beyond reasonable doubt.'

10. In case a child is born within 280 days of dissolution of marriage, the mother remaining unmarried the presumption of legitimacy of child under Section 11 of the Evidence Act arises-

- (a) If the father is alive on the day the child is born.
- (b) If the father is not alive on the day the child is born.
- (c) Irrespective of whether the father is alive or dead on the day the child is born.
- (d) Either in (a) or (b)

11. Testimony of an accomplice before it is accepted and acted upon-

- (a) Must be corroborated from the testimony of another accomplice.
- (b) Must be corroborated from an independent source.

- (c) Need not be corroborated at all.
- (d) Either (a) or (c).

12. Where there are three different dying declarations, Higher Court is-

- (a) Not to uphold conviction awarded by lower Court.
- (b) To uphold the conviction awarded by lower Court.
- (c) To go through the circumstantial evidence to uphold the conviction awarded by lower Court.
- (d) To rely upon the versions of witnesses to uphold the conviction awarded by lower court.

13. In a murder case before identification of the culprit, 'B' wrote a letter of confession to the police officer. At the time of writing the letter there was no suspicion cast on 'B'. Choose the most appropriate answer from the following choices-

- (a) Is admissible as it was made to a police officer.
- (b) Admissible as it was made voluntarily, the fact it was made before the police officer is irrelevant.
- (c) Admissible as it was neither made in police custody nor in the presence of the police officer.
- (d) Inadmissible as it was not made before the Magistrate.

14. A retracted confession-

- (a) can be made solely the basis of conviction.
- (b) cannot be made solely the basis of conviction under any circumstances.
- (c) cannot be made solely the basis of conviction unless the same is corroborated.
- (d) both (1) and (3) are incorrect.

15. Though the contempt proceedings are judicial proceedings, the strict rules of evidence contained in the Evidence Act do not apply to proceedings under the Contempt of Courts Act because-

- (a) Of summary nature of inquiry
- (b) Contempt matters are governed by Special Acts
- (c) Contempt of Courts does not require enquiry and the investigation.
- (d) Contempt proceedings are tried in higher judiciary.

GROUP-E

INDIAN PENAL CODE

1. 'B' happened to be a member of unlawful assembly. A factional fight ensued which 'B' was injured and retired to the side, later on a man was killed, now-

- (a) 'B' is guilty of murder being member of unlawful assembly.
- (b) 'B' is not guilty of murder as he ceased to be a member of unlawful assembly at the time when the murder was committed.
- (c) B is not guilty of murder though he happened to be a member of unlawful assembly.
- (d) None of the above.

2. 'X' with intention to murdering 'Z', instigates 'Y', a child below 7 years, to do an act which causes 'Z's' death. 'Y' in the absence of 'X' in consequence of abatement does the act and thereby causes 'Z's' death, Now-

- (a) 'Y' is liable for murder and 'X' is liable for abatement.
- (b) 'Y' is not liable for murder being wholly incapax, but 'X' is liable for abatement.
- (c) 'X' & 'Y' both are liable under Section 302/304 of I.P.C.
- (d) 'X' & 'Y' both are liable for conspiracy to murder of 'Z'.

3. 'Y', a small boy was guarding the field. 'Z' and 'M' outsiders trespassed and started harvesting, on protest by 'Y' they beat him up and hearing his cries, 'X' and 'P', uncle of 'Y' who were working

in different directions, rushed in, one of them 'X', fired at the trespassers killing one of them and ran away. 'P' was arrested and charged under section 302 of the I.P.C. for murder read with section 34. Which of the following statement is correct?

- (a) He is liable for murder because of the similar intention of both the brothers.
- (b) He is liable for murder because of the same intention of both the brothers.
- (c) He is liable for murder because he was present when his brother forced at the trespassers.
- (d) He is not liable because there was no common intention to kill.

4. A boy over 11 years but below 12 years of age picked up a knife and proceeding towards with a threatening gesture saying that he would cut him into pieces actually stabs him to death-

- (a) the boy will not be guilty, as a child under 12 years of age cannot be guilty of an offence.
- (b) the boy will be guilty because he had attained maturity of understanding to judge the nature and consequence of his conduct of mind and the act concurred in this case.
- (c) the boy will not be guilty of murder.
- (d) The boy will not be guilty of murder as he had not attained sufficient maturity of understanding to judge the nature and consequence of his conduct.

5. A woman ran to a well stating she would jump in it but she was caught before she could reach it. She is guilty of-

- (a) attempt to suicide.
- (b) attempt to injure her.
- (c) attempt to culpable homicide.
- (d) no offence.

6. When all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused then-

- (a) The inference of guilt can be justified.
- (b) The inference of guilt cannot be justified.
- (c) Benefit of doubt should be given.
- (d) None of the above.

7. 'Z' dies in possession of furniture and money. His servant 'X' misappropriates it before the money comes into the possession of any person entitled to such possession. "X" has committed the offence defined in-

- (a) Section 403
- (b) Section 404
- (c) Section 405
- (d) Section 406

8. It would not amount to the offence of stalking within Section 354 D of the Indian Penal Code if the man who pursued it proves that-

- (a) It was pursued for preventing or detecting any crime by person entrusted with responsibility of prevention and detection of crime by the State.
- (b) It was pursued under any law or in compliance with condition imposed under any law.
- (c) In particular circumstances such conduct was reasonable and justified.
- (d) Either (a) or (b) or (c).

9. 'A', a shopkeeper, to protect his own money says to B, who manages his business- "sell nothing to Z unless he pays you ready money, for I have no good opinion of his honesty." A is-

- (a) liable for defamation under section 499 of I.P.C.
- (b) liable for defamation under section 496 of I.P.C.
- (c) liable for defamation under section 506 of I.P.C.
- (d) Not liable for defamation.

10. 'P' gives grave and sudden provocation to 'M'. 'M' on this provocation, fires a pistol at 'P', neither intending nor knowing himself to be likely to kill 'Q' who is near him but out of the sight, 'M' kills 'Q'. Taking the view of this illustration give the correct answer.

- (a) It is a murder.
- (b) It is not a murder but culpable homicide.
- (c) It is neither murder nor culpable homicide.
- (d) None of the above.

11. 'A' takes a camera belonging to 'B' out of the possession of 'B' without the consent of 'B', with the intention of keeping it until he gets a reward from 'B' for its restoration. 'A' is guilty of-

- (a) Criminal misappropriation
- (b) Extortion
- (c) Theft
- (d) Cheating

12. 'A', a government servant removed a file from his colleagues office to house, made it available to an outsider and then returned it back to the office the same day in the evening. 'A' is guilty of which of the following offence-

- (a) Criminal misappropriation of property
- (b) Theft
- (c) Criminal breach of trust
- (d) None of the above.

13. 'A' and 'B' had been married for 10 years. 'A' the husband constantly physically abused his wife, 'B'. The injuries were such that she needed medical treatment. On March 18, 2018 'A' inflicted an injury on 'B's' hand, which led to it being fractured. In this context which of the following statement is accurate-

- (a) Section 498 A of the Indian Penal Code can be invoked against 'A'.
- (b) Section 498 A of the Indian Penal Code will not apply in this case since there was no demand for dowry.
- (c) Section 498 A of the Indian Penal Code will not apply since this is an offence under the Protection of Women from Domestic Violence Act.
- (d) This is not a crime. It is a ground for divorce under the relevant personal law.

14. When 'A' dies as a result of act of violence by person 'B', person 'C' not present at the scene of crime can be prosecuted under the Indian Penal Code-

- (a) Under Section 120 A to 120 B of the IPC
- (b) Under Section 141 to 149 of the IPC
- (c) For act done in furtherance of common intention under section 34 of the IPC
- (d) For vicarious liability as 'C' was aware that offence was likely to be committed by 'B'

15. 'A' gave 'B' a pen drive which he knows has files that were infected with a virus. 'A' did not inform 'B' of the same. 'B' inserted the pen drive into his computer and opened the files. His computer was infected by the virus, and most of the files on it were lost. Which of the following offences can 'A' be guilty of?

- (a) Criminal Breach of Trust
- (b) Criminal Trespass
- (c) Mischief
- (d) Cheating

16. Under the Indian Penal Code, which of the following acts will constitute "homicide"?

- (a) Termination of pregnancy before the twelfth week of pregnancy
- (b) Termination of pregnancy before the twentieth week of pregnancy
- (c) Termination of pregnancy before the thirty sixth week of pregnancy
- (d) Causing death of the living child after a part of the child's body has been brought forth of the mother's body.

17. 'A' who is 19 years of age instigates his sister 'B' who is 6 years of age to pick the pocket of a co-passenger. As soon as 'B' ships the purse of the co-passenger in her school bag she is caught. However, when the purse is opened, it is found to be empty. In this case which one of the following statement is correct-

- (a) 'A' and 'B' have committed no offence.
- (b) 'A' has committed no offence while 'B' has committed theft.
- (c) 'A' has committed an offence and 'B' has abetted the same.
- (d) 'B' does not commit any offence and 'A' is guilty of abetment.

18. A priest who solemnized an illegal marriage intentionally and thereby facilitated such marriage, is liable for abatement by-

- (a) Conspiracy
- (b) Instigation
- (c) Intentional Aid
- (d) None of the above.

19. Ram aged 25 years, tells Shyam who is aged 17 years and on account of the death of his father is sad, that if Shyam dies by jumping in a burning pyre of a woman he i.e. Shyam would meet his father in heaven and would find bliss. Shyam, aged 17 years, knows that by doing so he would be committing suicide, but on account of instigation by Ram suffers death by jumping in the burning pyre of a woman. Ram is guilty of-

- (a) Abetment for the suicide committed by Shyam.
- (b) Murder of Shyam.
- (c) No offence.
- (d) Both (a) & (b) above.

20. The accused driver of a truck while driving on the left side i.e, his side of the road , sees a cyclist coming from the opposite direction, but on the wrong side of the road i.e., in the lane on which the truck was being driven, the road being narrow and the truck driver sensing that the cyclist was paddling negligently, maneuvers his truck on the opposite lane and simultaneously the cyclist suddenly moves to his lane and as a result the truck over runs the cyclist, causing the death of the cyclist. The truck driver is not guilty of the offence of causing death by rash and negligent act because-

- (a) He did not have the necessary mens rea.
- (b) He acted bona fide
- (c) The truck driver upon seeing the risk tried to avoid the risk.
- (d) Was justified in driving the truck onto the opposite lane.

GROUP F **LIMITATION**

1. Negotiations for settlement taking place between a claimant and a person against whom claim is made-

- (a) Bars the defendant from pleading a Statute of Limitation where the negotiations have led to delay in bringing the action by the claimant.

- (b) Does not debar the defendant from pleading a Statute of limitation even though the negotiations have led to delay in bringing the action by the claimant.
- (c) May bar the defendant from pleading a statute of limitation depending on the facts and circumstances of each case.
- (d) Shall bar the defendant from pleading a Statute of limitation absolutely.

2. In a suit filed by the plaintiff, the defendant in his written statement has taken the objection of non - impleadment of necessary Party. Despite such objection the plaintiff continued the suit and the suit finally was decreed. At the first appellate stage, the plaintiff withdraws the suit with liberty to file a fresh one on the same cause of action and subsequently filed a fresh suit. The period spent by the plaintiff in the earlier suit, under Section 14 of the Limitation Act is-

- (a) Liable to be excluded on the ground that the plaintiff was prosecuting the earlier suit with due diligence and in good faith.
- (b) Not liable to be excluded as the plaintiff cannot be said to be prosecuting the earlier suit with due diligence and in good faith.
- (c) Liable to exclude under Section 14(3) of Limitation Act.
- (d) To be excluded or not to be excluded is in the discretion of the Court.

3. The limitation for filing suit, by a surety, against the principal debtor, would be 3 years from the date on which-

- (a) The amount became payable to the creditor
- (b) The amount was paid by the surety to the creditor
- (c) The refusal, by the principal debtor to pay the amount or notice being given by the surety.
- (d) The date of demand, by the creditor, for payment thereof, to the debtor or the surety, whichever is earlier.

4. For a suit to recover surplus collections received by the mortgagee after the mortgage has been satisfied , the period of limitation is-

- (a) 12 years
- (b) 30 years
- (c) 1 year
- (d) 3 years

5. The period of limitation for preferring an appeal to the Court of Sessions from an order of sentence is-

- (a) 30 days
- (b) 60 days
- (c) 90 days
- (d) 15 days

6. A suit by a person excluded from a joint family property to enforce a right to share therein, under Article 110 of the schedule, can be filed within the period of limitation of -

- (a) 1 year
- (b) 3 years
- (c) 12 years
- (d) 30 years

7. A judgment was announce on 02.01.2002 and the decree prepared on 10.01.2002. Application for certified copy made on 05.01.2002 and the copy was ready on 15.01.2002, under Section 12 the period to be excluded is-

- (a) From 02.01.2002 to 15.01.2002
- (b) From 02.01.2002 to 05.01.2002
- (c) From 05.01.2002 to 10.01.2002

(d) From 05.01.2002 to 15.01.2002

8. Under Section 13 of the Limitation Act, the time is excluded-

- (a) If the application for leave to sue or appeal as a pauper is allowed
- (b) If the application for leave to sue or appeal as a pauper is rejected.
- (c) In both the cases.
- (d) In none of the case.

9. Easement has been defined under which section of the Limitation Act, 1963-

- (a) Section 2(f)
- (b) Section 2(g)
- (c) Section 3(g)
- (d) Section 3(f)

10. Limitation Act is-

- (a) Prospective in operation
- (b) Retrospective in operation
- (c) Prospective as well as retrospective in operation, depending on the facts and circumstances of each case.
- (d) Prospective as well as retrospective in operation, as per the discretion of the Court.

11. Where the party is entitled to sue in two courts of concurrent jurisdiction and one of them is closed on the last day of limitation-

- (a) The party is bound to sue in the Court which is open on the last day of limitation and the benefit of Section 4 of the Limitation Act shall not be available.
- (b) The party is not bound to sue in the court which is open on the last day of limitation and shall get the benefit of Section 4 of the Limitation Act notwithstanding the fact that the other Court is open.
- (c) Section 4 of Limitation Act shall not apply at all.
- (d) None of the above.

12. Under Section 19, Limitation Act, 1963-

- (a) Payment by cheque which is dishonoured on presentation amounts to part payment and shall save limitation.
- (b) Payment by cheque which is dishonoured on presentation does not amount to part payment and will not save limitation
- (c) Mere handing over the cheque which is dishonoured on presentation amounts to acknowledgment.
- (d) None of the above.

13. For condonation of delay under Section 5, Limitation Act, 1963-

- (a) Length of delay is the only criterion
- (b) Length of delay is no matter, acceptability of the explanation is the only criterion.
- (c) Length of delay certainly matters apart from the acceptability of the explanation.
- (d) None of the above.

14. Under Section 3, Limitation Act, 1963 the Court is required to consider the question of Limitation-

- (a) Only when objection to limitation is raised by the defendant.
- (b) Only when the defendant does not confess judgment.
- (c) Only when the defendant does not admit his liability.
- (d) Suo moto even when the defendant has not taken any objection of limitation or has confessed judgment or has admitted this liability in the written statement.

15. Grounds of exemption from limitation law-

- (a) Cannot be condoned in a suit.
- (b) Can be condoned under Section 3, Limitation Act.
- (c) Can be exempted under Order VII, Rule 6 of C.P.C.
- (d) Can be condoned under Section 5 of Limitation Act.

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