

THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)
Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service, 2022

Total Marks: 100

Date: 10.12.2022 (Saturday)

Duration: 3 hours

Time: 1 p.m. to 4 p.m.

PAPER- II

Criminal Procedure Code

1. What are the significance of Section 232 and 233 of the Criminal Procedure Code in a sessions triable case? 5
2. Write short notes on any two of the following: 3 x 2 = 6
 - (A) Joinder of charges.
 - (B) First Information Report.
 - (C) Irregular proceedings.
3. What is bail? When bail may be granted and when bail may not be granted in non-bailable offence? Discuss. 3
4. Explain powers of appellate court and the procedure for hearing appeals. 4

Indian Evidence Act

5. Which of the following statements hold true for dying declarations? 1
 - (A) Dying declarations cannot be used as a sole basis of conviction.
 - (B) Dying declarations unless corroborated cannot be used as sole basis of conviction.
 - (C) Dying declaration which is brief must be discarded.
 - (D) When eyewitness affirms that the deceased was not in a fit state to make the declaration, medical opinion cannot prevail?

6. In which of the following cases the evidence given by the witness will not be relevant under section 33 of the Indian Evidence Act, 1872? 1
- A. When the witness is staying abroad.
 - B. When the witness is dead.
 - C. When witness cannot be found.
 - D. When the witness is in coma.
7. Accused wants to submit a document for consideration under section 35 of the Indian Evidence Act, 1872. In which of the following cases will the document become irrelevant? 1
- (A) It does not deal with a fact in issue.
 - (B) It does not deal with a relevant fact.
 - (C) It is not an entry made in public or other official book, register or record.
 - (D) It is not an entry made by public servant.
8. According to section 61 of the Indian Evidence Act, 1872- 1
- (A) The contents of documents must be proved by primary evidence.
 - (B) The contents of documents must be proved by secondary evidence.
 - (C) The contents of documents must be proved by both primary and secondary evidence.
 - (D) The contents of documents must be proved either by primary or secondary evidence.
9. Definition of secondary evidence has been given under _____ of the Indian Evidence Act, 1872. 1
- (A) Section 61.
 - (B) Section 62.
 - (C) Section 63.
 - (D) Section 64.
10. Which of the following sections of the Indian Evidence Act, 1872 gives provisions regarding proof as to electronic signatures? 1
- (A) Section 67.
 - (B) Section 67A.

- (C) Section 67B.
- (D) Section 67C.

11. Which of the following sections of the Indian Evidence Act deals with proof of other official documents? 1

- (A) Section 78.
- (B) Section 82.
- (D) Section 71.
- (E) Section 74.

12. Which of the following statements hold true for Section 154 of the Indian Evidence Act, 1872? 1

- (A) The court is bound to give leave if the requirements are met.
- (B) The witness must be declared hostile before making a plea under this section.
- (C) The court can give the leave under this section suo motu.
- (D) All of these.

13. During the cross examination of the witness as to previous statements made before the police, almost all contradictions or omissions were brought on record, which were portions from the statements made before the police that were not deposed before the court. Which of the following statements will apply to the case? 1

- (A) The credibility of the witness has been impeached under section 148 of the Indian Evidence Act, 1872.
- (B) The credibility of the witness has been impeached under section 145 of the Indian Evidence Act, 1872.
- (C) The credibility of the witness has been impeached because the contradictions were not as contemplated under section 145 of the Indian Evidence Act, 1872.
- (D) The credibility of the witness has not been impeached because the protection under section 154 of the Indian Evidence Act, 1872 will apply.

14. A person summoned to produce a document- 1

- (A) Does not become a witness in the case unless he is called as a witness.

- (B) Automatically becomes a witness in the case.
- (C) Automatically becomes a hostile witness in the case.
- (D) Can be examined without being called as a witness.
15. Which of the following statements hold true for examination in chief of a witness? 1
- (A) The leading questions can be used.
- (B) It must only relate to relevant fact.
- (C) It must only relate to the fact in question.
- (D) All of these.
16. Opinions of an expert expressed in a book commonly offered for sale cannot be proved by the production of such book- 1
- (A) If the author is dead.
- (B) If the author cannot be found.
- (C) If the author has become incapable of giving evidence.
- (D) If the author has gone abroad on vacation.
17. Which of the following section prescribe the method by which signature can be proved? 1
- (A) Section 45, Indian Evidence Act.
- (B) Section 46, Indian Evidence Act.
- (C) Section 47, Indian Evidence Act.
- (D) Both (A) and (B).

18. Which of the following is true of the effects of admissions-

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- (A) An admission constitutes a substantive piece of evidence in the case and, for that reason, can be relied upon for proving the truth of the facts incorporated therein.
- (B) An admission has the effect of shifting the onus of proving to the contrary on the party against whom it is produced, with the result that it casts an imperative duty on such party to explain it. In the absence of a satisfactory explanation, it is presumed to be true.
- (C) An admission, in order to be competent and to have the value and effect referred to above should be clear, certain and definite, and not ambiguous, vague to be true.
- (D) All of them.

19. An attesting witness is:

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- (A) One who signs his name to an instrument, at the request of the party or Parties, for the purpose of proving or identifying it.
- (B) A witness who has attested the document.
- (C) Both (A) and (B).
- (D) None of them.

20. A, a sculptor, agrees to sell to B, "all my models." A has both models and modelling tools.

Applying Section 98, Indian Evidence Act.

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- (A) Evidence cannot be given to show which he meant to sell.
- (B) Evidence must be given to show which he meant to sell.
- (C) Evidence may be given to show which he meant to sell.
- (D) None of them.

Transfer of Property Act

21. Define the "Rule against perpetuity" under Section 14 of the Transfer of Property Act, 1882. 4
22. Property of every kind may be transferred. State the exception to this rule, if any. 4
23. Explain the meaning and essentials of a gift as given in Section 122 of the Transfer of Property Act. Can a gift be suspended or revoked. 4
24. Explain the meaning and essentials of lease. Who can grant lease. Distinguish between lease and license. 4

Civil Procedure Code

25. Explain Decree. What are the essentials of a decree and the kinds of decree? 5
26. What are the kinds of *res judicata*? 5
27. Where shall a suit for recovery of immovable property , suit for foreclosure or sale, redemption, in case of mortgage, charge upon immovable property be filed? 5
28. When a foreign judgment is not conclusive? 4

Indian Penal Code

29. What is right of private defence? When does it extend to causing death while defending body? 4
30. Explain the circumstances under which culpable homicide amounts to murder. 4
31. Who is abettor? What is abetment of a thing? 4
32. In all robbery there is either theft or extortion. Explain. 4
33. Write a note on Criminal Conspiracy? 4

Limitation Act

34. Write a short note on right of adverse possession in the light of the appropriate provisions of the Limitation Act. 5
35. Which of the following Sections of the Limitation Act, 1963 deals with the effect of acknowledgment in writing? 1
- (a) 17
 - (b) 18
 - (c) 19
 - (d) 20
36. The period of limitation for any suit for which no period of limitation is provided elsewhere in the Schedule of the Limitation Act, 1963. 1
- (a) One year.
 - (b) Three years.
 - (c) Thirty years.
 - (d) Twelve years.
37. Section 14 of the Limitation Act, 1963 deals with- 1
- (a) Effect of fraud or mistake.
 - (b) Extension of prescribed period in certain cases.
 - (c) Exclusion of time of proceeding bonafide in court without jurisdiction.
 - (d) Effect of acknowledgement in writing.
38. Section 25 of the Limitation Act deals with- 1
- (a) Acquisition of easements by prescription.
 - (b) Special exceptions.
 - (c) Effect of acknowledgement in writing.
 - (d) Continuing breaches and torts.

39. Which Section of the Limitation Act, 1963 deals with the expiry of prescribed period when the Court is closed? 1

- (a) Section 2.
- (b) Section 7.
- (c) Section 4.
- (d) Section 20.

40. When did the Limitation Act come into force? 1

- (a) 1st October, 1964.
- (b) 1st January, 1964.
- (c) 1st January, 1963.
- (d) 1st November, 1965.
