

## **THE GUAHATI HIGH COURT AT GUWAHATI**

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

Main written examination for direct recruitment to Grade-I of Nagaland Judicial Service, 2018

Date: 20-01-2019 (Sunday)

Time: 1.00 pm to 4:00 pm

Total marks: 100

---

Duration: 3 (Three) hours

PAPER- II

**Group – A**

**Answer the following briefly: -**

2 X 12 = 24 Marks.

- Q.1) In a suit for specific performance of contract, time from which period limitation begins to run?
- Q.2) A judgment was delivered by the Court of Munsif on 5<sup>th</sup> March, 2018. Certified copy was applied for on 12<sup>th</sup> March, 2018. Date for notifying the requisite number of stamps and folios was fixed on 16<sup>th</sup> March, 2018. Folios and stamps were made over on 23<sup>rd</sup> March, 2018. The certified copy was made ready on 28<sup>th</sup> March, 2018. Certified copy was taken delivery on 23<sup>rd</sup> April, 2018. The Appeal was filed on 15<sup>th</sup> June, 2018.
- (i) When the limitation expired for preferring an appeal against the said judgment?
- (ii) The appeal was barred by how many days?
- Q.3) What are the kinds of leases? Which are the leases of immovable property that can be made only by a registered instrument as provided under Section 107 of the Transfer of Property Act, 1882?
- Q.4) What are the essentials of a valid gift under the provisions of the Transfer of Property Act, 1882?
- Q.5) State the three provisions of the Code of Civil Procedure, 1908, which precludes a plaintiff from instituting a fresh suit on the same cause of action?
- Q.6) What are the essentials of a judgment of Courts under the Code of Civil Procedure, 1908, other than a Small Causes Court?
- Q.7) Whether a Magistrate has the power to direct the police to investigate under the provisions of the Code of Criminal Procedure, 1973? If so, which is that provision and what kind of offence that Magistrate can direct police to investigate?
- Q.8) When can pre-summoning of witness for recording of evidence may be dispensed with under Section 200 of the Code of Criminal Procedure, 1973?
- Q.9) In which case a statement of a witness recorded under Section 164 of Cr.P.C. can be treated as Examination-in-Chief?
- Q.10) Whether the Trial Court while trying a criminal case should consider the opinion of the handwriting expert? If not, why? If yes, to what extent?

- Q.11) A in a great fire, pulls down houses in order to prevent the conflagration from spreading, with the intention in good faith of saving human life and property. Whether A will be guilty of any offence under the Indian Penal Code? If not, under what circumstance?
- Q.12) X intending to cause a theft to be committed, instigates Y to take property belonging to Z out of Z's possession. X induces Y to believe that the said property belongs to X. Y takes the property out of Z's possession, in good faith, believing it to be X's property. Whether any offences have been committed by X and Y? If so, specify who committed what offence under the Indian Penal Code.

**Group – B**

**Distinguish between the following by giving suitable illustrations within 150 words for each of the answer.**

5 X 6 = 30 Marks.

- Q.13) What are the differences between a Necessary Party and a Proper Party?
- Q.14) What are the difference between Summons Procedure and Warrant Procedure Case?
- Q.15) What are the difference between Kidnapping and Abduction?
- Q.16) What are the difference between Primary Evidence and Secondary Evidence?
- Q.17) What are the differences between Lease and Licence?
- Q.18) While computing the period of limitation in legal proceeding, what are the difference between Effect of Acknowledgement in Writing and Effect of Acknowledgement or Payment by Another Person?

**Group – C**

**Explain the following briefly:-**

- Q.19) In what type of proceedings Section 5 of the Limitation Act, 1963 will be applicable? Explain "sufficient cause" as prescribed under Section of 5 of the said 1963 Act, placing reliance on the Judgment of the Hon'ble Supreme Court?
- 6 Marks.
- Q.20) What are the different stages of the Examination of Witnesses? Explain each of them with their objects? Whether leading question can be asked during such examination of witness? If not, when and if, yes, when?
- 8 Marks.
- Q.21) What are the stages of a crime? What is an attempt to commit an offence? Explain Preparation and Attempt in Criminal Law? What do you mean by attempt to commit murder? Whether without causing injury can a person be held guilty of attempt to commit murder?
- 8 Marks.
- Q.22) Can the accused charged with commission of the offence of rape be convicted on the sole testimony of the prosecutrix? Examine in the light of Supreme Court decisions.

8 Marks.

Q.23) Define Sale of immovable property. How sale of immovable property is made? State the rights and liabilities of buyer and seller.

8 Marks.

Q.24) What do you mean by temporary injunction? What are the provisions relating issue of temporary injunction?

8 Marks.

---

