

DATE :- 27-01-2013.

**Main Written Examination (2013)**  
**For Direct Recruitment to Grade-I of Nagaland Judicial Service**

Time – 3 hours  
Total Marks – 100

**Paper-II**

I. **Group-A (Each question carries 1 mark) (20 x 1 = 20)**

**Answer the following in one word (Yes / No or Correct / Incorrect)**

1. Is the evidence of a hostile witness totally inadmissible in trial?
2. A, a client, says to B, an attorney ---- “I have committed forgery, and I wish you to defend me”.  
Is this communication protected from disclosure?
3. Whether arbitrator is a Court?
4. Whether a caricature is a document?
5. A, who is a citizen of India, commits murder in France. He was found in Nagaland. Can he be tried and convicted of murder in Nagaland?
6. A, who is six years of age, picks up a knife and stabs a guest sleeping in the house. Whether A has committed any offence?
7. Whether attempting to exercise undue influence at an election is an offence under the Indian Penal Code?
8. Whether confessional statement is recorded under section 164 Cr.P.C. ?
9. Can a criminal Court alter or add to any charge after arguments are concluded?
10. Whether dismissal of a complaint for default under section 256 Cr.P.C. would amount to acquittal of the accused ?
11. Whether the offence under section 498-A IPC is compoundable ?

12. In the course of a criminal trial, it appears from the evidence tendered that A, who is not an accused, is also involved in the offence charged. Can he be made an accused in the case at that stage ?
13. Whether an aggrieved party can file a second revision petition under section 397 Cr.P.C. after his first revision petition was earlier dismissed ?
14. Can the delay in filing a civil suit be condoned if the plaintiff satisfies the Court that he had sufficient cause for not filing the suit within time ?
15. Whether standing timber is included in immovable property ?
16. Whether a company is included in the definition of "living person" under the Transfer of Property Act, 1882 ?
17. Can there be a gift of future property ?
18. The right to private defence is not available to an accused who is found to be an aggressor.
19. In the absence of a plea in the written statement, a court trying a suit is not entitled to go into the question of limitation at the appellate stage.
20. Result of the test identification parade conducted during investigation of an offence of robbery, is a substantial piece of evidence.

**II. Group-B (Each question carries 2 marks) (10 x 2 = 20)**

**Answer very briefly, in one or two sentences.**

1. When there is variation between medical and ocular evidence, which one is to get primacy ?
2. A desires a Court to give judgment that B shall be punished for committing a crime which according to A, B has committed. On whom does the burden of proof lie ?

3. A is charged by the ticket checker with travelling on the train without a ticket. On whom does the burden of proof lie ?
4. Whether a photograph of an original is primary evidence or secondary evidence ?
5. Whether admission of a document amounts to admission of content or admission of truth ?
6. Whether evidence can be recorded by video conferencing ? Is it permissible ?
7. What is / are the condition(s) precedent for a person to apply for anticipatory bail ?
8. What is the limitation period for filing a suit seeking compensation for libel and from which period will the limitation begin to run ?
9. A suit is dismissed for default. What is the limitation period for filing an application for restoration ?
10. Can a civil suit be instituted by a minor in his name ?

**III. Group-C (Each question carries 3 marks)**

**(10 x 3 = 30)**

**Answer briefly**

1. What is a leading question ? When and under what circumstances can such questions be asked ?
2. What is estoppel ? What is the provision under the Indian Evidence Act, 1872 which deals with estoppel ?
3. A is accused of murdering B. At his trial, what facts may be in issue ?
4. Whether confessional statement made by an accused before police admissible in evidence and can conviction be based on such evidence?

5. What is the difference between kidnapping and abduction ?
6. Under what circumstances can extortion amount to robbery ?
7. Under what circumstances sexual intercourse by a man with his own wife would amount to a criminal offence ?
8. What should the Court do when a subsequent suit is instituted where the parties are the same, involving the same subject matter and the same question as in an earlier suit between the same parties, which is pending ?
9. When a suit is sought to be instituted against the State Government without serving notice under section 80 of the Civil Procedure Code, 1908 and the plaintiff expresses urgency, what should the Court do ?
10. If a petition is filed by the defendant contending that the plaint does not disclose a cause of action, what should the Court do? What is the legal provision dealing with such a situation ?

IV. Group-D (Each question carries 4 marks) (5 x 4 = 20)

**Answer any five**

1. What is the difference between section 304 Part-I IPC and section 304 Part-II IPC ?
2. When a person, against whom a warrant has been issued by a Court, is absconding, what procedure is required to be followed by the Court?
3. What is the difference between evidence given by an accused in a trial as a defence witness and his examination under section 313 Cr.P.C. ?
4. What is the difference between 'simple mortgage' and 'mortgage by conditional sale' ?

5. What are the four different modes of settlement of disputes outside the Court as provided under section 89 of the Civil Procedure Code, 1908 ?
6. Distinguish between the following with reference to relevant provisions of law :-  
  
(A) Preliminary decree and final decree.  
or  
(B) Fine and compensation.
7. What are the basic principles or ingredients of granting temporary injunction ? Can an injunction order be passed without notice to the opposite party ? If so, when ?

V. **Group-E** ( 2 x 5 = 10 )

Write brief notes on any two of the following :-

1. "Role of Public Prosecutor"
2. "Cause of action".
3. "Substantial question of law".
4. Difference between "revision" and "review" under the Civil Procedure Code, 1908 ?

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