

HIMACHAL PRADESH JUDICIAL PRELIMINARY TEST PAPER, 2013

PAPER – I (CIVIL LAW – I)

Time allowed: 1 hour

Max. Marks: 100

1. Identification of the accused through his photograph is:
 - a. Admissible in evidence
 - b. Not admissible in evidence
 - c. Not relevant in evidence
 - d. None of the above
2. Sections 40 to 4 of the Indian Evidence Act deal with the relevance of :
 - a. Characters
 - b. Opinion of third person
 - c. Judgments , decrees and orders
 - d. Statements made under special circumstances
3. Under the law of evidence ,the term 'hearsay' is used with reference to what is:
 - a. Done
 - b. Written
 - c. Spoken
 - d. All of these
4. A fact hen it is neither proved nor disproved is said to:
 - a. Disproved
 - b. Not proved
 - c. May proved
 - d. All of these
5. Which section of the Indian Evidence Act ,1872 is founded upon the doctrine laid down in 'Pickard vs. Sears' ?
 - a. Section 6
 - b. Section 32
 - c. Section 115
 - d. Section 167
6. Under Section 110 of the Indian Evidence Act ,1872 the term 'possession' denotes:
 - a. Actual present possession
 - b. Juridical possession
 - c. Symbolic possession
 - d. All of the above
7. The Criminal Law (Amendment) Act,2005 amended:
 - a. Section 73A of the Indian Evidence Act ,1872
 - b. Section 154 of the Indian Evidence Act ,1872
 - c. Section 22A of the Indian Evidence Act ,1872
 - d. Section 47A of the Indian Evidence Act ,1872
8. From presumption an inference may be drawn which may be
 - a. Affirmative only
 - b. Disaffirmative only
 - c. Affirmative or disaffirmative
 - d. None of these
9. Estoppel can be by:
 - a. Attestation
 - b. Recital in deed
 - c. Standing by
 - d. All of these
10. Exceptions to the rule against admissibility of hearsay evidence are provided
 - a. Under section 6 of the Indian Evidence Act 1872
 - b. Under section 32 of the Indian Evidence Act 1872
 - c. Under section 34 of the Indian Evidence Act 1872
 - d. All of the above
11. 'presumption of survivorship' is contained in:
 - a. Section 106 of the Indian Evidence Act 1872
 - b. Section 107 of the Indian Evidence Act 1872

- c. Section 108 of the Indian Evidence Act 1872
 - d. Section 109 of the Indian Evidence Act 1872
12. Section 114, illustration (g) of the Indian Evidence Act 1872 refers to the presumptions as to :
 - a. Common course of business
 - b. Arising from withholding evidence
 - c. Regarding bill of exchange
 - d. Continuity of things
 13. Under the Himachal Pradesh Courts Act, 1976 the State Government may fix the number of Civil Judges to be appointed after consultation with the:
 - a. Governor
 - b. High Court
 - c. Central Government
 - d. President of India
 14. Under the Himachal Pradesh Courts Act, 1976 who prepares a list of holidays to be observed in each year in Civil Courts?
 - a. State Government
 - b. Central Government
 - c. High Court
 - d. Governor
 15. Under the Indian Stamp Act 1899 'stamp' means any
 - a. Mark
 - b. Seal
 - c. Endorsement
 - d. All of these
 16. Under section 72 of the Indian Stamp Act 1899 the offence committed in respect of any instrument may be tried in:
 - a. Any district in which such instruments in found
 - b. Anywhere in the state
 - c. Anywhere in India
 - d. None of the above
 17. Under the Indian Stamp Act 1899 the Government may reduce duties:
 - a. Prospectively only
 - b. Retrospectively only
 - c. Prospectively or retrospectively
 - d. None of the above
 18. Who prescribes a rate of exchange for the conversion of foreign currency into the currency of India for the purposes of collecting the stamp duty?
 - a. State Government
 - b. Central Government
 - c. Reserve Bank of India
 - d. President of India
 19. Under the Indian Stamp Act 1899 an instrument shall be deemed to be unstamped if written in contravention of:
 - a. Section 10 of the Indian Stamp Act 1899
 - b. Section 11 of the Indian Stamp Act 1899
 - c. Section 13 of the Indian Stamp Act 1899
 - d. Section 20 of the Indian Stamp Act 1899
 20. Under the Indian Stamp Act 1899 in the case of lease the duty is payable by the:
 - a. Lessor
 - b. Lessee
 - c. Lessor and Lessee
 - d. None of the above
 21. Section 31 of the Indian Stamp Act 1899 deals
 - a. Adjudication as to proper stamp
 - b. Special provision as to unstamped receipts
 - c. Admission of improperly stamped instruments
 - d. Examination and impounding of instruments
 22. The provisions regarding 'Allowances for stamps' are contained in:
 - a. Chapter IV of the Indian Stamp Act 1899
 - b. Chapter V of the Indian Stamp Act 1899
 - c. Chapter VI of the Indian Stamp Act 1899
 - d. Chapter VII of the Indian Stamp Act 1899
 23. Which section of the Specific Relief Act 1963 provides that the 'specific relief to be granted only for enforcing civil rights and not for enforcing penal laws:
 - a. Section 2

- b. Section 3
 - c. Section 4
 - d. Section 5
24. Under Section 26 of the Specific Relief Act 1963 for rectification of instruments on the ground of fraud or mutual mistake the time limit for discovery of fraud or mutual mistake is:
 - a. Three months
 - b. Six months
 - c. One year
 - d. No time limit is fixed
 25. A mandatory injunction in the nature is
 - a. Restitutory only
 - b. Prohibitory only
 - c. Both restitutory and prohibitory
 - d. None of the above
 26. An injunction cannot be granted:
 - a. When the plaintiff has no personal interest in the matter
 - b. To prevent the breach of a contract the performance of which would not be specifically enforced
 - c. To prevent a continuing breach in which the plaintiff has acquiesced
 - d. All of the above
 27. Provision regarding, 'the persons who may obtain specific performance' are specified in:
 - a. Section 14 of the Specific Relief Act,1963
 - b. Section 15 of the Specific Relief Act,1963
 - c. Section 16 of the Specific Relief Act,1963
 - d. Section 17 of the Specific Relief Act,1963
 28. The suit for recovery of possession of an immovable property under section 6 of Specific Relief Act can be filed against:
 - a. A private individual
 - b. The Government
 - c. Private individual and the Government
 - d. None of the above
 29. An order or decree passed under section 6 of the Specific Relief Act is:
 - a. Appealable
 - b. Reviewable
 - c. Neither appealable nor reviewable
 - d. Appealable and reviewable
 30. Section 12(2) of the Specific Relief Act applies where the part which remains unperformed ,of the contract is:
 - a. Small
 - b. Large
 - c. Considerable
 - d. All of these
 31. Which of the following is not a suit of civil nature?
 - a. Suit relating to right of worship
 - b. Suit relating to taking out of religious procession
 - c. Suit against expulsions from caste
 - d. Suit for right to hereditary office
 32. Preliminary decree can be passed in a suit for:
 - a. Pre-emption
 - b. Sale of mortgaged property
 - c. Redemption of a mortgage
 - d. All of the above
 33. Decision which is not a decree
 - a. Order of abatement of suit
 - b. Dismissal of appeal as time barred
 - c. Order granting interim relief
 - d. Rejection of plaint for non-payment of court fee
 34. In the case of 'res sub judice' under section 10 of the Code of Civil Procedure, the court can:
 - a. Pass interim orders
 - b. Grant of injunction
 - c. Appoint a receiver
 - d. All of the above
 35. 'Res judicata' does not apply to
 - a. Between co-plaintiff
 - b. Between co-defendants
 - c. Public interest liti gation

- d. Writ of habeas corpus
36. Who is not a legal representative?
- Executor
 - Reversioner
 - Trespasser
 - Hindu coparcener
37. Under sec.2(9) of the code of Civil Procedure 'judgment' means:
- Decree
 - Order
 - Statement of grounds of a decree or order
 - Decree and order
38. A court may issue a commission to:
- Make local investigation
 - Make partition
 - Adjust accounts
 - All of the above
39. Which of the following is an incorrect statement?
- In legal set-off the amount claimed must be recoverable at the date of suit ,while in the case of counter –claim the amount claimed must be recoverable at the date of written statement
 - Set-off cannot exceed plaintiff claim while the counter –claim can exceed the plaintiff's claim
 - Set-off cannot the pecuniary jurisdiction of the court while the counter-claim can exceed the pecuniary jurisdiction of the court while the counter-claim can exceed the pecuniary jurisdiction of the court
 - Legal set-off must be for an ascertained sum of money while the counter –claim may be for an unascertained sum of money
40. In the Code of Civil Procedure, Sec 35 B is added by the Amendment Act of 1976 for providing:
- Compensatory costs
 - Costs for causing delay
 - General costs
 - Miscellaneous costs
41. For an 'interpleader suit' which of the following conditions is not necessary?
- There must be some debt or the property in dispute\
 - Two or more persons claiming the debt or the property in dispute adversely to one another
 - There must be suit pending wherein the rights of rival claimants for the debt or the property in dispute can be properly adjudicated
 - All of the above
42. The provisions regarding 'friendly suits' are in
- Section 90,order 36 of the Code of Civil Procedure
 - Section 88,order 35 of the Code of Civil Procedure
 - Order 34 of the Code of Civil Procedure
 - Order 33 of the Code of Civil Procedure
43. Mark the incorrect statement:
- A decree can only be passed in a suit ,while an order may arise from a proceeding commended by a petition or an application
 - A decree is an adjunction conclusively determines the rights of the parties with regard to all or any of the matters in controversy, an order may or may not finally determines such rights
 - Both decree and order may be preliminary
 - None of the above
44. 'An order or direction given by the court which passed the decree to a court which would be competent to execute the decree to ,attach any property belonging to the judgment debtor, is called:
- Precept
 - Garnishee order
 - Interlocutory order
 - Simultaneous execution
45. A right of appeal is not a
- Inherent right
 - Substantive right
 - Statutory right
 - Vested right
46. The provision regarding 'summary suit' are in
- Order 32 of the Code of Civil Procedure
 - Order 37 of the Code of Civil Procedure
 - Order 28 of the Code of Civil Procedure
 - Order 30 of the Code of Civil Procedure
47. Necessity rule regarding the admissibility of evidence is contained in
- Section 31 of the Indian Evidence Act

- b. Section 33 of the Indian Evidence Act
 - c. Section 62 of the Indian Evidence Act
 - d. Section 63 of the Indian Evidence Act
48. 'Facts which are inconsistent with any fact in issue are relevant' is based on:
- a. Plea of 'alibi'
 - b. Principle of 'res-geste'
 - c. 'nihil ad rem'
 - d. 'res integra'
49. The conduct to be relevant under section 8 of the Indian Evidence Act, it
- a. Must be previous
 - b. Must be subsequent
 - c. May be either previous or subsequent
 - d. None of the above
50. Section 31 of the Indian Evidence Act refers to :
- a. Res gestae
 - b. Estoppels
 - c. Res judicata
 - d. None of these

CIVIL LAW – II

Time allowed: 1 hour

Max. Marks: 100

1. Match List I with List II and select the correct answer by using the codes given below:

List I

List II

a. Fazaludin vs. Panchu Das

(i) Undue influence

b. Ghaziabad Development Authority vs. Union of India

(ii) Contract by performance

c. Union of India vs. Radha Kissan Agrawala

(iii) Consideration

d. Lakshmi Amma vs. Telengala Narayana Bhatt

(iv) Breach of Contract of Damages

Codes:

a b c d

a. (i) (iii) (iv) (ii)

b. (iii) (iv) (ii) (i)

c. (ii) (iii) (iv) (i)

d. (iv) (ii) (iv) (iii)

2. In which of the following case, the Supreme Court held that "In order to create a contract, acceptance of an offer and intimation of acceptance of by some external manifestation, which the law regards as sufficient is necessary" ?

- a. Fazaluddin vs Panchu Das
- b. Subhas Chandra Musahib vs. Ganga Prasad Das
- c. Jawahar Lal vs. Union of India
- d. Bhagwan Das vs. Girdhari Lal & co.

3. Match the List I and II and select the correct the answer with the help of codes given below:

List I

List II

a. Contingent contract

(i) section 30, Contract Act

b. Wagering contract

(ii) section 25, Contract Act

c. Restrained from trade or business

(iii) section 31, Contract Act

d. Agreement without consideration

(iv) section 27, Contract Act

Codes:

a b c d

a. (i) (iv) (iii) (ii)

b. (iii) (i) (iv) (ii)

c. (i) (iii) (iv) (ii)

d. (iv) (i) (iii) (ii)

4. Every promise and every set of promises farming consideration for each other is an
 - a. Offer
 - b. Invitation to offer
 - c. Acceptance
 - d. Agreement
5. Which one of the following correct?
 - a. Past consideration is no consideration
 - b. Consideration can be past present or future
 - c. Consideration can only be present
 - d. Consideration can only be present or future
6. When the consent to the contract is caused by coercion the contract is
 - a. Voidable
 - b. Void
 - c. valid
 - d. illegal
7. Inadequacy of consideration is relevant in determining the question of:
 - a. Fraud
 - b. Misrepresentation
 - c. Undue influence
 - d. Free consent
8. In case of default by joint promises the promise:
 - a. Can sue any one of them for the entire promise
 - b. Can sue any one of them to the extent of his share in the joint promise
 - c. Both a and b
 - d. Cannot sue any single promise
9. Rescission of the contract means
 - a. The renewal of original contract
 - b. Cancellation of contract
 - c. Alteration of contract
 - d. Substitution of old contract with a new one
10. The law relating to tender of performance is laid down in
 - a. S 37
 - b. S 35
 - c. S 38
 - d. S 36
11. The Amendment of Transfer of Property Act 1982 in the year 2002 effective from:
 - a. 31st Dec 2002
 - b. 1st July 2002
 - c. 30th Oct 2002
 - d. 2nd July 2002
12. In which of the following case the Supreme Court held the Doctrine of a clog on the equity of redemption is a rule of justice equality and good conscience?
 - a. Apte vs Price
 - b. Murari law vs. Dev Karan
 - c. Banarasi Lal vs. Puran Chand
 - d. None of the above
13. The onerous given is dealt in:
 - a. Section 127 TPA
 - b. Section 126 TPA
 - c. Section 125 TPA
 - d. Section 128 TPA
14. Match List I with List II and select the correct answer by using the codes given below:

List I a. Amiratham Kundumbah b. Asad Ali Vs Haider Ali c. Nagratnambe vs. Rmayya d. Abdul gaour vs. Abdul razak	List II (i) Spes Successions (ii) Transfer for unlawful purpose (iii) Mere –Right to sue (iv) Right of future maintenance
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Codes:

- | | | | | |
|----|-------|-------|------|------|
| | a | b | c | d |
| a. | (ii) | (iii) | (i) | (iv) |
| b. | (iii) | (ii) | (iv) | (i) |
| c. | (i) | (iii) | (iv) | (ii) |
| d. | (iii) | (iv) | (ii) | (i) |

15. Assertion (A) : Where immovable property of one person is by an act of parties made security for payment of money to another and the transaction does not amount to mortgage ,the later person is said to have a charge on the property.
Reason (R) : Any contract in respect of immovable property ,of itself creates a charge on such property
- Codes:
- Both A and R are true and R is correct explanation of A
 - Both A and R are true and R is not correct explanation of A
 - A is true but R is False
 - A is false but R is true
16. 'A' says to 'B' that he will give a sum of rupees 5000 if B marries his daughter .This is
- Vested right
 - Primary right
 - Contingent right
 - None of these
17. Which of the following kinds of mortgage is not included in section 58 of the Transfer of Property Act 1882?
- Usufructuary Mortgage
 - Anomalous Mortgage
 - Simple Mortgage
 - Mortgage by deposit of little deeds
18. 'A' makes a gift of a House to 'B' with whom he has adulterous relationship with 'B' .Is this transfer :
- Valid
 - Void
 - Invalid
 - None of these
19. 'A' makes a gift of a House to 'B' with whom he has past illicit cohabitation. .Is this transfer :
- Valid
 - Void
 - Invalid
 - None of these
20. In which of the following case the Supreme Court held that "Once the period of lease expires ,the relationship of landlord and tenant ceases and the tenant becomes a respasser and ,therefore, there is no question of service of any notice under section 106 TPA"?
- Shanty Devi vs. Amal Kumar Banarjee AIR 1981 S.C. 1550
 - P.C. Cheriyan vs. Barfi Devi (1980) 2 S.C.C 461
 - Idandas vs. Anant Ramn Chadra Phadke AIR 1982 S.C.127
 - None of the above
21. In which year the recent H.P. Urban Rent Control Act (Amendment) has been placed:
- 2007
 - 2009
 - 2009
 - None of these
22. The case of Madan Mohan & another vs. Krishan Kumar Sood is related with
- Section 14
 - Section 20
 - Section 22
 - Section 26
23. Under this Act ,no landlord shall claim or receive any rent in excess of the:
- Future rent
 - Previous rent
 - Fair rent
 - All of these
24. If any contravenes any of the provisions of clause (a) of section 7 or section 8, he shall be punishable with imprisonment which may extend to:
- 2 years and with fine
 - 2 years only
 - Fine only
 - None of these
25. A landlord who seeks to evict his tenant shall apply to the
- Commissioner
 - State governor
 - Minister
 - Controller
26. Under section -1 essential supply or services includes supply

- a. Water
 - b. Electricity
 - c. Sanitation
 - d. All of these
27. Section -17 of H.P.U.R.C. Act relates to :
- a. Lease of vacant building
 - b. Penalties
 - c. Execution or orders
 - d. Recovery of possession
28. In the absence of contract every tenant shall pay rent within/ by the:
- a. Tenth day of month
 - b. Fifteenth day of month
 - c. Last day of month
 - d. Any day of month
29. Who is not authorized to hear appeals against the orders made by the rent controller
- a. District and session judges
 - b. Additional district and session judges
 - c. Chief judicial magistrate
 - d. All of the above
30. According section -33, which one has power to make rules of this Act:
- a. Central Government
 - b. Parliament
 - c. State Legislature
 - d. State Government
31. In which of the following case the Supreme Court held that ---“While guaranteeing the fundamental right to the freedom of religion ,explanation II to Article 25(2)(b) made it clear that reference to Hindu shall be construed as including a reference to persons professing the Sikh ,Jain or Buddhist religion ,and the reference to Hindu religious Institution shall be constructed accordingly?
- a. CWT vs. R. Shridharan (1976) S.C.C (4) 489
 - b. Shastri Ygana Purishdasji vs. Muldar Bhandaradas Vaishya AIR 1966 SC 1119
 - c. Bai Vajia vs. Thankarbai Chlabhai (1979) 3 SCC 300
 - d. Beni Bai vs. Raghubir Prasad (1999) 3 SCC 234
32. Which of the following property comes under coparceners or joint family property?
- a. Ancestral property
 - b. Property acquired by all or any of the coparceners with the aid of joint family fund
 - c. Property acquired by joint labour of members
 - d. All of the above
33. Which Law Commission report on the HMA and the special Marriage Act recommended the establishment of Family Courts?
- a. 54th Law Commission Report ,1964
 - b. 59th Law Commission Report ,1964
 - c. 59th Commission Report ,1964
 - d. 54th Commission Report ,1964
34. **“SALUS POPULI SPREMA LEX”** means:
- a. The welfare of the people is the Supreme Law
 - b. Public Opinion is supreme over law
 - c. Public opinion is Supreme over law
 - d. None of the above
35. Which of the following is the first report by the Law Commission of India on “ Irretrievable breakdown of marriage” as a ground of divorce ?
- a. 51st Report
 - b. 71st Report
 - c. 215th Report
 - d. 217th Report
36. Who among the following is not a class –I heir?
- a. Brother
 - b. Daughter of a pre-deceased daughter
 - c. Daughter of a pre-deceased son
 - d. Son of pre-deceased son
37. Which of the following sections of HMA was challenged in the case of LAXMI AMMAL vs. RAMASWAMI NAICKER?
- a. Section 10
 - b. Section 11
 - c. Section 12
 - d. Section 13

38. Match the List I with the List II with the help of given codes below

List I

a. Sadhu Singh vs. Gurdwasa
Sahib Nasike AIR 2006
S.C. 3282

b. T. Shiv Kumar vs. Inspector
of Police Thimvaalur
(2011) 5 CTC. 689

c. Ramkali vs. Malila Shyam
wati AIR 2000
M.P. 288

d. Vishnu Dutt Sharma vs.
Manju Sharma AIR
209 S.C. 2254

List II

(i) Custody of minor wife

(ii) Breakdown theory

(iii) Presumption legitimacy

(iv) Widow's right to maintenance

Codes:

a b c d

a. (ii) (iii) (iv) (i)
b. (iv) (i) (iii) (ii)
c. (iii) (ii) (iv) (ii)
d. (ii) (iv) (i) (ii)

39. In which of the following case ,the Supreme Court held that "No Court except Supreme Court is competent to pass a decree for mutual consent divorce if one of the consenting parties with draws his/her consent before the decree for mutual consent is passed to do complete justice to the parties ?

- a. Anil Kumar Jain vs. Maya Jain AIR 2010 S.C. 229
- b. Sureshta Devi vs. Om Prakash IR 1991 S.C.W. 373
- c. Surjit Kaur vs. Garja Singh AIR 1994 S.C. 135
- d. S. Nagalimgum vs. Sivagami AIR 2001 S.C. 3576

40. In which of the following case ,the supreme court held that "Living together under one roof as husband and wife does not give the status of a husband and wife".

- a. Kanwal Ram vs. H.P. Administration AIR 1966 S.C.
- b. SurJit Kaur vs. Garja Singh AIR 1994 S.C. 135
- c. Bhu rao Shankar vs. State of Maharashtra (1965) 2 S.C. 837
- d. None of the above

41. **Assertion (A)** : Where any special or local law prescribes for any suit appeal or application a period of limitation different from period prescribed by the schedule the provisions of section 3 of Limitation Act 1963 shall apply as if such period were the period prescribed by the schedule.

Reason (R) : where a special law prescribes a period of limitation for filling appeal but there is no provision therefore under Limitation Act 1963, the period of limitation provided under the special law must be treated to be different from that under the Limitation Act.

Codes:

- a. Both (A) and (R) true and (R) is correct explanation of (A)
- b. Both (A) and (R) are true but (R) is not correct explanation of (A)
- c. (A) is true but (R) is false
- d. (A) is false but (R) is true

42. **Assertion (A)** : section 5 of Limitation Act 1963 empowers the Court t admit a suit after prescribed period of the plaintiff satisfies the court that he had sufficient cause for not instituting the suit.

Reason (R) : Even an appeal may be admitted after the prescribed period of the appellant shows sufficient cause for not preferring the appeal within the prescribed period.

Codes:

- a. Both (A) and (R) are true and (R) is correct explanation of (A)
- b. Both (A) and (R) are true but (R) is not correct explanation of (A)
- c. (A) is true but (R) is false
- d. (A) is false but (R) is true

43. For the purpose of Limitation Act 1963 which of the following claims (s) shall be treated as a separate suit?

- a. Set-off
 - b. Counter-claim
 - c. Both (A) and(B)
 - d. None of these
44. The period of Limitation for filling cross-objection would start from the date of appearance of the:
- a. Counsel
 - b. Assistant counsel
 - c. By filling application
 - d. None of these
45. Assertion (A) : The Maxim “Lexon Cogit and impossibilla” does not prevail against express provision of S.3 of Limitation Act
Reason (R) : Principle of equity cannot prevail against the Statutory Law.

Codes:

- a. Both (A) and (R) are true and (R) is correct explanation of (A)
 - b. Both (A) and (R) are true but (R) is not correct explanation of (A)
 - c. (A) is true but (R) is false
 - d. (A) is false but (R) is true
46. In which of the following case, the court held that “Limitation Act bars remedy but does not destroy right”
- a. Food Corporation of India vs. Jugal Kishore Agarwal
 - b. Mandas vs. State of M.P
 - c. N. Bala Krishnan vs. M.Krishna Murthy
 - d. All of the above
47. In which of the following case the Supreme Court held that “Law of Limitation may harshly affect a particular party but it has to be applied with all of its rigors when the statute so prescribes and the courts have no power to extend the period of limitation equitable ground ‘?
- a. P.K. Ramchandran Vs. State of Kerala
 - b. Punjab National Bank vs. Surrendra Prasad sinha
 - c. Bhagat Ram vs. Gram Panchayat ,Tibba Nagal
 - d. Ali Mohd. Vs. Ramniwas
48. Provisions contained in section 16 are not applicable to:
- a. Suits to enforce rights of pre-emption
 - b. Suits for the possession of immovable property or of a hereditary office
 - c. Both A and B
 - d. Neither A nor B
49. Expiry of period of limitation
- a. Extinguishes the debt
 - b. Renders the debt unenforceable
 - c. Extinguishes the debt and renders it unenforceable
 - d. None of the above
50. Every suit instituted appeal preferred and application made after the prescribed shall be dismissed
- a. If limitation has been set up as a defense
 - b. If limitation is pleaded at any time
 - c. Although limitation has not been set up as defense
 - d. None of the above

CRIMINAL LAW

Time allowed: 1 hour

Max. Marks: 100

1. Which one of the following may record confession under section 164 of the code of Criminal Procedure?
 - a. Any executive magistrate
 - b. A police officer
 - c. Any metropolitan magistrate or judicial magistrate
 - d. A registered medical practitioner
2. Which one of the following offence may not be compounded by the persons mentioned in the third column of the table given under section 320 (1) of the code of Criminal Procedure:
 - a. Adultery
 - b. Bigamy
 - c. House trespass
 - d. Causing hurt
3. Permission to investigate into a non-cognizable offence can be granted by a:
 - a. District magistrate
 - b. Session judge

- c. Special magistrate
 - d. Magistrate having power to try the case or commit the case for trial
4. Which one of the following offences is not triable summarily?
 - a. Grievous hurt under section 325 of the IPC
 - b. Offences not punishable with death imprisonment for life or imprisonment for a term exceeding two years
 - c. Offences under section 454 and 456 of the Indian Penal Code
 - d. Criminal intimidation under section 506 of the Indian Penal Code
 5. Which of the following sections of the code of Criminal Procedure prohibits again trial of a person who has been tried by a court of competent jurisdiction for an offence and convicted or acquitted of such offence?
 - a. Section 303
 - b. Section 299
 - c. Section 20(1)
 - d. Section 300(1)
 6. If the offence is punishable with imprisonment for a term not exceeding one year, the period of limitation for taking cognizance shall be:
 - a. Six months
 - b. One year
 - c. Two years
 - d. Three years
 7. Find out the correct answer
 - a. Any person convicted on a trial held by a high court in its extraordinary jurisdiction may appeal to the supreme court
 - b. Any person convicted on a trial held by a session judge may appeal to the supreme court directly
 - c. Any person convicted on a trial held by an additional session judge may appeal to the court of session
 - d. Any person convicted on a trial held by an Assistant session judge may appeal to the High Court directly
 8. Which one of the following courts is not empowered to transfer criminal cases?
 - a. The supreme court
 - b. The high court
 - c. The court of session
 - d. The court of special magistrate
 9. Which one of the following offences is bailable?
 - a. Murder under section 302 , IPC
 - b. Death by negligence under section 304 A , IPC
 - c. Dowry death under section 304-B ,IPC
 - d. Abetment to commit suicide under section 306,IPC
 10. Which one of the following sections of the Code of Criminal Procedure provides for confirmation by the High Court of an order of death sentence passed by the Court of Session prior to its execution?
 - a. Section 366
 - b. Section 367
 - c. Section 368
 - d. Section 369
 11. Which one of the following terms includes 'birds' in its meaning under the wild life (protection) Act 1972
 - a. Captive animal
 - b. Animal article
 - c. Animal
 - d. None of the above
 12. 'Habitat' does not include under the Wild –Life (Protection) Act 1972
 - a. Land
 - b. Water
 - c. Vegetarian
 - d. Botanical garden
 13. Which one of the following sections deals with constitution of the National Board for Wild –life ?
 - a. Section 5 the wild –life (Protection) Act
 - b. Section 5 A the wild –life (Protection) Act
 - c. Section 5 B the wild –life (Protection) Act
 - d. Section 5 C the wild –life (Protection) Act
 14. Which one of the following duties is not duty of the Wild-Life advisory board under the wild life (Protection) Act 1972 ?
 - a. To advice the state government in the selection and management of areas to be declared as protecte areas
 - b. To advice the state government in formulation of the policy of protection and conservation of wild-life and specific plant
 - c. To advice the state Government in enacting a new legislation

- d. To advise the state Government in relation to the measure to be taken for harmonizing the needs of the tribals
15. Which one of the following sections provides provisions relating to hunting of wild animal to be permitted in certain cases under the wild-life (Protection) Act?
 - a. Section 9
 - b. Section 11
 - c. Section 17-A
 - d. Section 17-B
 16. Which one of the following is not included within the meaning of 'tree' under the Indian Forest Act 1927
 - a. Palms
 - b. Bamboos
 - c. Canes
 - d. Neems
 17. 'River' does not include within its meaning under the Indian Forest Act 1927
 - a. Ponds
 - b. Stream
 - c. Canal
 - d. Creek
 18. Which one of the following sections of the Indian Forrest Act 1927 deals with powers of the Forest Settlement Officer?
 - a. Section 7
 - b. Section 8
 - c. Section 9
 - d. Section 10
 19. Which one of the following acts is not prohibited under section 26 of the Indian Forest Act 1927
 - a. Sets fire to a reserved forest
 - b. Trespasses pr pastures cattle
 - c. Clears or break up any land for cultivation
 - d. The exercise of any right continued under clause (c) of Sub-section (2) of section 15
 20. Formation of village forest is provided under
 - a. The chapter II of the Indian Forest Act
 - b. The chapter III of the Indian Forest Act
 - c. The chapter IV of the Indian Forest Act
 - d. The chapter V of the Indian Forest Act
 21. Who can review the application disposed of by any 'Exercise officer ' clause (1) of section 15 the Punjab Excise Act 1914
 - a. Excise commissioner
 - b. Collector
 - c. Excise minister
 - d. Sub-divisional officer of the division
 22. Who is empowered for granting a licence of manufacture of excisable article under section 27 of the Punjab Exise Act 1914
 - a. Collector
 - b. Excise commissioner
 - c. Financial commissioner
 - d. Excise officer
 23. Age of lessee for having grant of lease of manufacture will not below the age of
 - a. 18 years
 - b. 21 years
 - c. 25 years
 - d. 30 years
 24. Who regulates the time ,place and manner for an 'excise –duty' imposed as per the direction of the State Government under the Punjab Excise Act 1914
 - a. Collector
 - b. Commissioner
 - c. Financial commissioner
 - d. Chief minister
 25. According to the clause 20 of section 3 of the Punjab Excise Act "Tari" means
 - a. Fermented or unfermented juice drawn from 'Neem' tree
 - b. Fermented or unfermented juice drawn from any kind of 'Palm' tree
 - c. Fermented or unfermented oil drawn from 'Coconut' tree
 - d. Fermented or unfermented oil drawn from 'Olive' Tree
 26. Section 138 of the Negotiable Instruments Act provides penal provisions in case of dishonor of cheque ,if it is presented to the Bank within a period of six months
 - a. From the date on which it is drawn only

- b. From the date on which payee makes demand
 - c. From the date on which demand of payee accepted
 - d. From the date on which it is drawn or within the period of its validity whichever is earlier
27. Which one of the following proviso clauses of section 138, Negotiable Instruments Act requires notice of fifteen days in case of failure of payment of cheque?
- a. Clause (a)
 - b. Clause (b)
 - c. Clause (c)
 - d. Clause (d)
28. Which one of the following sections of the Negotiable Instrument Act empowers to the Judicial Magistrate of the first class or metropolitan magistrate to try offence relating to dishonor of cheque for insufficiency etc.?
- a. Section 143(1)
 - b. Section 143(2)
 - c. Section 143(3)
 - d. Section 143(4)
29. Written complaint should be made to the court from the date of cause of action, within a period of
- a. 30 days
 - b. 45 days
 - c. 60 days
 - d. 90 days
30. Which one of the following sections of the Negotiable Instrument Act 1881, deals with offence committed by a company U/S 138?
- a. Section 139
 - b. Section 140
 - c. Section 141
 - d. Section 142
31. 'A' who is citizen of India commits a murder in 'Uganda'. 'A' can be tried and convicted of murder in:
- a. Any place in India in which he may be found
 - b. Uganda only
 - c. India or Uganda, as decided by 'A' to be tried
 - d. Any place in the world in which he may be found except India or Uganda
32. In context to the Indian Penal Code 1860 India means
- a. Union of states
 - b. Confederation of states
 - c. The territory of India excluding the state of Jammu and Kashmir
 - d. Bharat only
33. Which one of the following statements is not correct?
- a. A cheque upon a banker is a document
 - b. A power-of-attorney is a document
 - c. A writing containing directions or instructions is a document
 - d. A map or plan, which is intended not to be used as evidence, is a document
34. Which one of the following sections of IPC defines 'Graining Wrongfully and Lopping Wrongfully'?
- a. Section 22
 - b. Section 23
 - c. Section 24
 - d. Section 25
35. A principle relating to joint liability – They also serve who only stand and wait was laid down in case of
- a. Mahboob Shah vs. Emperor
 - b. Barendra Kumar Ghose vs. Emperor
 - c. Manindra Chandra Ghose vs. K.E.
 - d. Nanak Chand vs. State of Punjab
36. "Execution of death sentence by public hanging is barbaric and violative of Article 21 of the Constitution of India, even if any jail manual provides for the same" It has been held by the Supreme Court in case of:
- a. Bachan Singh vs State of Punjab
 - b. T.V. Vatheeswaran vs. State of Tamil Nadu
 - c. Attorney General of India vs. Lachna Devi
 - d. Rameswar and another vs. State of U.P
37. 'A' and 'Z' agree to fence with each other for amusement and to suffer any harm which in the course of such fencing may be caused without foul play. 'A' while playing hurts 'Z'. 'A' commits:
- a. No offence
 - b. An offence of hurt
 - c. An attempt to commit murder
 - d. An act of negligence
38. The right of private defence of the body does not extend to causing death if the offence which occasions

- the exercise of the right be of any of the following description:
- a. An assault with the intention of committing rape
 - b. An assault with the intention of gratifying unnatural lust
 - c. An assault with the intention of kidnapping or abduction
 - d. As assault with the intention of causing hurt
39. 'A' incites a dog to spring upon Z without Z's consent with intention to cause injury fear or annoyance to Z. 'A' has committed
 - a. An offence of assault
 - b. Criminal intimidation
 - c. Use of criminal force
 - d. No offence
 40. 'A' for the purpose of inducing B to desist from prosecuting a civil, threatens to burn B's house. 'A' is guilty of
 - a. Threat to mischief
 - b. Attempt to extortion
 - c. Criminal intimidation
 - d. No offence
 41. An imputation in the form of the alternative pr expressed ironically ,may
 - a. Amount to defamation
 - b. Not amount to defamation
 - c. Amount to outrage the modesty if intended to woman
 - d. Neither defamation nor outrage the modesty
 42. Whenever force or violence is used by an unlawful assembly or by member thereof in prosecution of the common object of such assembly ,every member of such assembly is guilty of:
 - a. Affray
 - b. Rioting
 - c. Unlawful assembly only
 - d. No offence
 43. 'Z' threatens 'A' to kill under the influence of madness. 'A' has
 - a. The same right of private defence which he would have if 'Z' were sane
 - b. No right of private defence against 'Z' because 'Z' was under the influence of madness
 - c. No right of private defence because 'A' has time to have recourse to the protection of the public authority
 - d. No right of private defence because an act of insane is not an offence
 44. 'A' shakes his fist at 'Z' intending or knowing it to be likely that he may thereby cause 'Z' to believe that 'A' is about to strike 'Z' . 'A' has committed:
 - a. Use of criminal force
 - b. No offence
 - c. An assault
 - d. An attempt o cause hurt
 45. 'A' places men with firearms at the outlets of a building and tells 'Z' that they will fire at 'Z',if 'Z' attempts to leave the building . 'A' has committed:
 - a. Wrongful restrain
 - b. Use of criminal force
 - c. No offence
 - d. Wrongful confinement
 46. Which one of the following statements is not correct?
 - a. Bailable offence means an offence which is shown as bailable in the first schedule of the Code of Criminal Procedure,1973
 - b. Bailable offence means an offence which is made bailable by any other law for the time being in force
 - c. Non-bailable offence means any other which is not bailable
 - d. Police may not arrest without warrant to an accused of bailable offence in all the situations
 47. Find out the correct statement
 - a. Investigation is conducted by a magistrate only
 - b. Investigation is conducted by the court of law only
 - c. Investigation is conducted either by court of by a magistrate or both
 - d. Investigation is conducted by a police officer or by any person (other than a magistrate) who is authorised by a magistrate in this behalf
 48. 'Complaint ' means
 - a. Any allegation made orally or in writing to a police officer
 - b. Any allegation made orally or in writing to a magistrate to take action against known or unknown person who has committed an offence
 - c. Police report
 - d. Charge
 49. Which of the following sentences may be passed by the court of chief Judicial Magistrate

- a. A sentence of death or of imprisonment for life
 - b. A sentence of imprisonment for life or of imprisonment for a term exceeding ten years
 - c. Any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years
 - d. A sentence of imprisonment for a term exceeding ten years only
50. Which one of the following sections of the code of criminal procedure provides that the person of a female shall be examined only by or under the supervision of a female registered medical practitioner?
- a. Section 53(2)
 - b. Section 55(2)
 - c. Section 60(2)
 - d. Section 54

ANSWER SHEET

1.		31.		61.		91.		121.	
2.		32.		62.		92.		122.	
3.		33.		63.		93.		123.	
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20.		50.		80.		110.		140.	
21.		51.		81.		111.		141.	
22.		52.		82.		112.		142.	
23.		53.		83.		113.		143.	
24.		54.		84.		114.		144.	
25.		55.		85.		115.		145.	
26.		56.		86.		116.		146.	
27.		57.		87.		117.		147.	
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