Bihar Judicial Service (Mains) 2006

Law of Evidence and Procedure · compulsory paper

Group A

1. (a) What is res judicata? In what circumstances the principles of res judicata may be made applicable?
(b) What are the provisions of the Code of Civil Procedure, 1908 relating to suits by or against the government or public officers in their official capacity?

2. (a) Explain the provisions of the Code of Civil Procedure, 1908 regarding reference, review and revision.
(b) Explain the meaning of the following terms: (i) Decree; (ii) Mesne profits; (iii) Public officer.

3. (a) Write notes on any three of the following: (a) Attachment; (b) Ex-parte proceedings; (c) Interpleader suit; (d) Second appeal.
(b) Explain and illustrate the rule that costs shall follow the event. Are there any exceptions to this rule? Discuss.

Group B

4. (a) Explain what is meant by public document and private document. What are the presumptions as to electronic records and digital signature?
(b) A statement is genus, admission is the species and confession is the sub-species. Discuss.

5. (a) Explain estoppel and kinds of estoppel.
(b) Oral evidence must in all cases be direct. Explain.

6. Write explanatory notes on any three of the following: (a) Importance of cross-examination of a witness; (b) Conclusive proof; (c) Judicial notice; (d) Admissibility of a fact and relevancy of a fact.

Group C

7. (a) When can an arbitrator be appointed? Whether the arbitrator has power to pass an interim order?
(b) Whether and under what circumstances parties to the arbitration proceedings can apply for setting aside the arbitral award.

8. What is the effect of an award? Can the award be challenged in a court of law? Can the court modify the award or remit the award?

Group D

9. (a) What is the First Information Report? What is its object and importance at the trial? Distinguish it from the statement of a witness in the course of investigation.
(b) Discuss the provisions of the Code of Criminal Procedure relating to attachment of property of a proclaimed offender.

10. (a) Describe the procedure to be followed in summary trial and sessions trial.
(b) What are the provisions of the Code of Criminal Procedure regarding maintenance of a wife?