Chhattisgarh Civil Judge (Prelims) 2016

Chhattisgarh Public Service Commission · Civil Judge Preliminary Examination, held 11.12.2016 · 100 questions

Preliminary Examination

1. Non Cognizable offence means an offence where:
(A) police officer can arrest without warrant
(B) police officer cannot arrest without warrant
(C) police officer can grant bail
(D) only court can grant bail

2. Police officer can be appointed as Asst. Public Prosecutor, provided:
(A) he is below the rank of Inspector
(B) he has taken part in investigation
(C) he is in the rank of Superintendent of Police
(D) he is not below the rank of Inspector and has not been part of investigation

3. The Bond u/s 109 Cr. P. C. as security for good behaviour from suspected person can be executed for a period not exceeding:
(A) six months
(B) two years
(C) one year
(D) three months

4. In which of the following cases has the Supreme Court recently directed to upload online copy of FIR within 24 hours of lodging?
(A) D. K. Basu vs State of West Bengal
(B) Youth Bar Association of India vs Union of India
(C) Thakur Ram vs State of Bihar
(D) Gyan Singh vs State of Punjab

5. Provision for legal aid to accused are provided under which of the following sections of Cr. P.C.?
(A) Sec 304
(B) Sec 420
(C) Sec 306
(D) Sec 300

6. Benefits of Plea Bargaining cannot be given to an accused, if he has committed offence where:
(A) punishment is below 7 years
(B) offence relates to minor offences
(C) offence relates to children below 14 years of age
(D) offence relates to children above 14 years of age

7. In summary trial, maximum punishment up to _____ can only be imposed.
(A) one month
(B) one year
(C) six months
(D) three months

8. The Bar of taking cognizance after lapse of period of limitation as stated in Sec 468 (2) of Cr. P.C. does not apply if the offence is punishable with imprisonment for a term exceeding _____ years.
(A) 2
(B) 4
(C) 3
(D) 5

9. The Indian Penal Code was drafted by:
(A) Second Law Commission of India
(B) First Law Commission of India
(C) Third Law Commission of India
(D) Lord Macaulay

10. Doctrine of mens rea is NOT attracted to which of the following categories of offences?
(A) Relating to fraud
(B) Relating to bodily injury
(C) Relating to offence against state
(D) Strict liability

11. To which of the following is Indian Penal Code not applicable?
(A) State of J & K
(B) A foreigner committing offence in India
(C) Offence committed on Indian Aircraft flying over territory of Japan
(D) A foreigner committing offence in territorial water of India

12. Nothing is an offence which is done by a child under _____ years of age.
(A) 7
(B) 8
(C) 12
(D) 10

13. 'A' instigates 'B' to instigate 'C' to murder 'Z'. Accordingly, 'B' instigated 'C' and 'C' committed murder of Z. Who will be liable for punishment?

(A) Only 'C'
(B) Only 'B'
(C) Only 'C' and 'B'
(D) 'A', 'B' and 'C'

14. A man is said to commit rape if he has sexual intercourse with a woman with or without her consent, if her age is below _____ years of age.

(A) 16
(B) 14
(C) 15
(D) 18

15. The Criminal Law (Amendment) Act, 2013 has added a new Sec 376-D. What does it relate to?

(A) Custodial Rape
(B) Gang Rape
(C) Rape by Public Servants
(D) Speedy Trial of Rape Offenders

16. In which of the following cases has the constitutional validity of Sec 377 Indian Penal Code been upheld by Supreme Court?

(A) Suresh Kumar Kaushal vs Naz Foundation
(B) Naz Foundation vs Govt of NCT Delhi
(C) Subramanium Swamy vs Union of India
(D) Shreya Singhal vs Union of India

17. What does the recent Supreme Court judgement in Subramanium Swamy vs Union of India relate to?

(A) Right to die
(B) Upholding Sec 499 and 500 (criminal defamation) IPC
(C) Upholding Section 388 IPC
(D) Contempt of Court

18. For committing offence of dacoity under Section 391 IPC, what is the minimum number of persons that are required?

(A) 3
(B) 7
(C) 5
(D) 10

19. In which of the following are provisions relating to Injunction mentioned?

(A) Section 95 read with Order xxxix
(B) Section 30 read with Order xi
(C) Section 36 read with Order xxi
(D) Section 51 read with Order xxi

20. Which of the following properties are not liable to attachment in execution of decree?

(A) Bank Notes and Cheques
(B) Promissory Notes
(C) Land
(D) Books of Accounts

21. 'Garnishee' is a person who is:

(A) defaulter
(B) decree holder
(C) debtor of judgement debtor
(D) foreigner

22. Interlocutory order are issued by civil court:

(A) during pendency of civil proceedings
(B) to summon the person
(C) for execution of decree
(D) for attachment of property

23. What does Section 80 CPC deal with?

(A) Foreign Judgement
(B) Injunction
(C) Requirement of notice for institution of suit against Government
(D) Award of cost

24. Under Civil Procedure Code (as amended in 1999), the number of adjournments are limited to:

(A) 2
(B) 4
(C) 5
(D) 3

25. Which of the following is NOT a part of expression 'Decree' as defined under section 2(2) of Civil Procedure Code?

(A) Adjudication by civil court
(B) Conclusive determination of rights
(C) Any order of dismissal for default
(D) Formal expression of an adjudication

26. What do the provisions of Section 11 of Civil Procedure Code deal with?

(A) Res judicata
(B) Res subjudice
(C) Garnishee Order
(D) Foreign Judgement

27. What does 'Pauper Suit' mean?

(A) Suit by third party
(B) Suit by public servant
(C) Suit by indigent person
(D) Suit by legal representative

28. Provision for settlement of dispute outside court has been provided under Section _____ of Civil Procedure Code.

(A) 91
(B) 89
(C) 51
(D) 151

29. By whom can the transfer of suit or proceedings from one state to other state be ordered?

(A) Central Government
(B) Supreme Court
(C) High Court
(D) Parliament

30. Second Appeal u/s 100 of Civil Procedure code lies before:

(A) District Court
(B) High Court
(C) Supreme Court
(D) Special Court

31. The Goods and Service Tax has been introduced by _____ Constitutional Amendment Act.

(A) 99th
(B) 101st
(C) 100th
(D) 98th

32. Select the most appropriate. Article 14 of the Constitution of India provides all persons:

(A) equality before law
(B) reservation
(C) equality before law and equal protection of law
(D) freedom of religion

33. The Right to education is provided in Article _____ of the Constitution of India.

(A) 16
(B) 21
(C) 21A
(D) 29

34. Which of the following statements is the most appropriate?

(A) The President of India is bound by the advice of Council of Minister.
(B) The President of India is not bound by the advice of Council of Minister.
(C) The President of India may require Council of Ministers to reconsider advice.
(D) The President of India is bound to accept advice of Council of Minister, tendered after reconsideration.

35. Ordinance promulgated by President under Article 123 of the Constitution of India shall cease to operate after _____ from re-assembly of Parliament.

(A) 3 months
(B) 6 months
(C) 6 weeks
(D) 15 days

36. What is the Constitutional significance of Kesavananda Bharati's case for?

(A) For propounding doctrine of Basic Structure
(B) For upholding reservation for OBC
(C) For propounding doctrine of Judicial Review
(D) For declaring National Judicial Appointment Commission as unconstitutional

37. The doctrine of 'Full Faith and Credit' is enshrined in Article _____ of the Constitution of India.

(A) 261
(B) 368
(C) 148
(D) 256

38. The Chairman of Union Public Service Commission is appointed by:

(A) Prime Minister
(B) President
(C) Speaker of Lok Sabha
(D) Committee of Prime Minister and Vice-President

39. The Chief Election Commissioner can be removed from his office:

(A) by President of India.
(B) by Supreme Court of India.
(C) in manner and grounds as applicable for removal of judge of Supreme Court.
(D) by Government order.

40. Why is the writ of 'mandamus' issued?
(A) To direct Public Authority to perform its public duty
(B) To quash quasi-judicial proceedings
(C) To quash illegal appointment in public office
(D) To prohibit a person from holding public office

41. The amendment in Constitution of India can be made under Article _____
(A) 356
(B) 368
(C) 309
(D) 360

42. Which of the following jurisdictions is NOT exercised by High Courts?
(A) Writ Jurisdiction
(B) Appellate Jurisdiction
(C) Original Jurisdiction
(D) Advisory Jurisdiction

43. Which Article of the Constitution of India states that, "This Constitution may be called the Constitution of India"?
(A) Article 1
(B) Article 12
(C) Article 393
(D) Article 4

44. Provision for Financial emergency are laid down in Article _____ of the Constitution of India.
(A) 352
(B) 356
(C) 360
(D) 368

45. Which of the following Article(s) cannot be suspended during proclamation of emergency under Article 352 of the Constitution of India?
(A) Article 19
(B) Article 20 & 21
(C) Article 22
(D) Article 25

46. Provision for Administrative Tribunals was added in the Constitution of India by _____ amendment.
(A) 42nd
(B) 44th
(C) 36th
(D) 78th

47. Which of the following languages is NOT a part of Eighth Schedule?
(A) Nepali
(B) Sanskrit
(C) Maithili
(D) Rajasthani

48. According to Section 2(h) of the Indian Contract Act, a 'Contract' is:
(A) an agreement between two or more parties
(B) a promise to do something
(C) an acceptance of an offer
(D) an agreement enforceable by law

49. In which of the following types of contract, consideration is not necessary?
(A) Partnership
(B) Agency
(C) Pledge
(D) Bailment

50. 'A', a businessman, leaves goods at 'B's house by mistake. 'B' treats the goods as his. Is 'B' liable to pay?
(A) No, 'B' is not liable to pay.
(B) Yes, 'B' is liable to pay.
(C) 'B' has an option to pay.
(D) 'B' may partly pay.

51. Contract of Insurance is contract of:
(A) Guarantee
(B) Indemnity
(C) Bailment
(D) Quasi-contract

52. A person appointed by an agent under the authority of Principal is known as:
(A) Sub Agent
(B) Substituted Agent
(C) Mercantile Agent
(D) Special Agent

53. Del credere agent is a kind of:
(A) Substituted Agent
(B) Mercantile Agent
(C) Universal Agent
(D) Agent by necessity

54. A stipulation essential to main purpose of contract, the breach of which gives the aggrieved party right to repudiate the contract is known as:

(A) Warranty
(B) Implied warranty
(C) Condition
(D) Contingent contract

55. A owes B Rs 10,000. A pays to B, and B accepts Rs 7000 in full satisfaction of the claim. It amounts to:

(A) Waiver
(B) Remission
(C) Alteration
(D) Novation

56. Amendment in Negotiable Instruments Act 1881 made in 1988 has introduced an important provision relating to:

(A) easy negotiability
(B) dishonour of cheque
(C) bank draft
(D) privileges of holder in due course

57. Which of the following is true about a 'Bank Draft'?

(A) It is a promissory note.
(B) It is not a negotiable instrument.
(C) It is very much like a cheque.
(D) It is a bill of exchange.

58. Which of the following is true about 'Inchoate Instrument'?

(A) It is an ambiguous instrument.
(B) It is an incomplete or blank negotiable instrument.
(C) It is not a negotiable instrument.
(D) It is a documentary bill.

59. Before initiating criminal proceeding for dishonour of cheque, within how many days of receipt of information about dishonour should the payee of cheque issue a notice?

(A) 15 days
(B) 30 days
(C) 90 days
(D) No notice is required

60. Which of the following is NOT considered as evidence?

(A) Affidavit
(B) Statement of witnesses
(C) Electronic record produced before court
(D) Documents produced before court

61. Testimony of 'Hostile Witness' is to be:

(A) rejected outright
(B) partially rejected
(C) partially accepted
(D) considered with caution and be corroborated

62. Which of the following is true about First Information Report (FIR)?

(A) It is not a substantive evidence.
(B) It is a primary evidence.
(C) It is a documentary evidence.
(D) It is an important secondary evidence.

63. Admission is a:

(A) conclusive proof
(B) estoppel
(C) not a conclusive proof but may operate as estoppel
(D) a form of confession

64. In which of the following cases was video conferencing allowed?

(A) Philip vs Chase
(B) Brown vs Board of Finance
(C) R vs X Justice, Exparte
(D) Polanski vs Conde Nast Publication

65. In which of the following cases is the character of a person relevant?

(A) Civil cases only
(B) Criminal cases only
(C) Writ petitions
(D) Civil and criminal cases

66. In which of the provisions of Evidence Act, special provision as to evidence relating to electronic record was added?

(A) Sec 65A & 65B
(B) Sec 64
(C) Sec 86
(D) Sec 116

67. In election petition, the burden of proof lies on:
(A) the person who contested election
(B) the person who challenged election
(C) Election Commission
(D) Election agent

68. What does Sec 113-B of Evidence Act deal with?
(A) Oral evidence
(B) Abetment of suicide
(C) Dowry death
(D) Legitimacy of child

69. Select the most appropriate statement.
(A) A child born during marriage is a conclusive proof of legitimacy.
(B) A child born during marriage may be presumed as legitimate child.
(C) A child born during marriage shall be considered as a conclusive proof of legitimacy unless rebutted.
(D) No presumption will be drawn about a child born during marriage.

70. According to Transfer of Property Act, the term 'immovable property' does not include:
(A) land
(B) mines
(C) agricultural land
(D) growing crops

71. Which of the following is NOT an actionable claim?
(A) Lottery tickets
(B) Beneficial interest in movable property which is in possession of claimant
(C) Life insurance policy
(D) Claim for arrears of rent

72. Rule against perpetuity is applicable to:
(A) movable property only
(B) immovable property only
(C) both, movable and immovable properties
(D) transfer for benefit of public

73. What does Section 53 A of the Transfer of Property Act deal with?
(A) Lis pendens
(B) Part Performance
(C) Spes Successionis
(D) Rights on unborn child

74. 'A' in lieu of debt from 'B' handovers the possession of his house to 'B' with a covenant to transfer of property in favour of 'B', but with provision for retransfer in case of repayment of debt. This type of mortgage is known as:
(A) Equitable mortgage
(B) English mortgage
(C) Usufructuary mortgage
(D) Mortgage by conditional sale

75. Which of the following mortgages can be made without writing?
(A) Equitable mortgage
(B) English mortgage
(C) Simple mortgage
(D) Usufructuary mortgage

76. Transfer of right to enjoy an immovable property in consideration of price is known as:
(A) Mortgage
(B) Actionable claim
(C) Lease
(D) Licence

77. Transfer of property is NOT applicable to:
(A) gifts of movable property
(B) exchange
(C) lease
(D) sale of goods

78. A transfer of property by ostensible owner for consideration:
(A) shall be void
(B) shall be valid
(C) shall not be voidable provided the transferee acted in good faith
(D) shall be voidable

79. 'Chance of an heir-apparent succeeding to an estate cannot be transferred'. Which provision of Transfer of Property Act states this?
(A) Section 10
(B) Section 6
(C) Section 16
(D) Section 41

80. During period of legal disability, the period of limitation shall:
(A) remain suspended
(B) continue to run
(C) be extended to limited period
(D) increase

81. Period of limitation is not attracted in case of suit against:

(A) debtor
(B) mortgagee
(C) tenant
(D) trustees

82. Before expiry of period of limitation, 'A' has acknowledged in writing the amount due as debt from 'B' and has promised to pay. What is the effect of such an acknowledgement?

(A) No effect on period of limitation.
(B) Fresh period of limitation will start from date of such an acknowledgement.
(C) Period of limitation will be extended for six months.
(D) Period of limitation will not be applicable.

83. Which of the following documents requires compulsory registration?

(A) Instrument of gift of immovable property
(B) Will
(C) Lease of immovable property for period below one year
(D) Instrument acknowledging receipt of payment

84. Documents for registration may be presented:

(A) anywhere in state where property is situated
(B) anywhere in the country
(C) anywhere in the district
(D) at the office of Sub-Registrar in whose jurisdiction property or its portion is situated

85. For registration of documents under Sec 32 of the Registration Act, the person who seeks registration: (Select the most appropriate answer.)

(A) must remain present
(B) may remain present
(C) need not remain present
(D) may send the documents by post

86. What is the time limit for filing suit for recovery of possession of immovable property under Section 6 of Specific Relief Act?

(A) 1 year from dispossession
(B) 6 months from dispossession
(C) 3 months from dispossession
(D) No time limit is prescribed

87. Specific performance of a contract may not be enforced, if:

(A) the contract is relating to sale of immovable property
(B) compensation in money is an adequate relief
(C) the property is held by defendant as agent
(D) adequate compensation is not the remedy

88. Which of the following remedies is available when an instrument does not express real intention due to fraud or mutual mistake of the parties?

(A) Cancellation of instrument
(B) Recession of instruction
(C) Ratification of instrument
(D) Grant of Injunction

89. In a suit for recovery of arrears of maintenance, on what basis will the computation of court fee be done?

(A) Amount claimed
(B) Total amount of maintenance
(C) As the trial court deem reasonable
(D) Court may exempt court fee

90. If the court refers parties to the suit for settlement of dispute under Section 89 of the Civil Procedure Code, the plaintiff is:

(A) entitled to refund of Court fee
(B) entitled to refund of Court fee and interest thereon
(C) not entitled to refund
(D) entitled to partial refund of court fee

91. Which of the following is NOT a part of 'Accommodation' within section 2(1) of the Chhattisgarh Rent Control Act, 2011?

(A) Garden
(B) Open Space
(C) Agricultural Land
(D) Non-Residential Building

92. The Chairman of the Rent Control Tribunal under Chhattisgarh Rent Control Act 2011 shall be:

(A) Retired judge of High Court
(B) Secretary level officer in State Government
(C) District Judge
(D) District Judge not below the rank of super time scale

93. In which of the following sections of the Chhattisgarh Rent Control Act 2011 are the Rights and Obligations of landlords and tenants provided?

(A) Section 12
(B) Section 13
(C) Section 10
(D) Section 5

94. What is the period of limitation for filing appeal against order of Collector to the Commissioner under Chhattisgarh Land Revenue Code?

(A) 60 days
(B) 45 days
(C) 90 days
(D) 180 days

95. Power to make rules for regulating the preparation, maintenance and revision of land records under Chhattisgarh Land Revenue Code are vested in:

(A) State Government
(B) Collector
(C) Revenue Board
(D) High Court

96. Any person who extracts or removes minerals from mines without lawful authority shall be liable to pay a minimum of _____ as penalty under Chhattisgarh Land Revenue Code.

(A) Rs. 1,000
(B) Rs. 5,000
(C) Rs. 25,000
(D) Rs. 10,000

97. Which of the following is NOT includible in excise revenue within the meaning of Section 2(8) of the Chhattisgarh Excise Act?

(A) Duty
(B) Fee
(C) Penalty
(D) Fine imposed by Court of law

98. Select the correct statement.

(A) Import and Export of intoxicants is totally prohibited under the Chhattisgarh Excise Act 1915.
(B) Import and Export of intoxicants is allowed by issuing pass under the Chhattisgarh Excise Act 1915.
(C) Import and Export of intoxicants is allowed by granting license under the Chhattisgarh Excise Act 1915.
(D) Import and Export of intoxicants is allowed by granting import-export exemption certificate under the Chhattisgarh Excise Act 1915.

99. Which of the following is excluded from 'advertisement' within the meaning of Section 23A of Chhattisgarh Excise Act?

(A) Notice
(B) Oral announcement
(C) Circular
(D) Catalogue displayed at liquor shop

100. According to Chhattisgarh Excise Act, which of the following is correct in regards to the offences relating to import, sale and manufacture of liquor which is unfit for human consumption?

(A) It is a bailable offence.
(B) Application for anticipatory bail shall not be entertained by any court.
(C) Person can be put under preventive detention.
(D) Person will not be granted bail at all.