Chhattisgarh Civil Judge (Prelims) 2017

Chhattisgarh Public Service Commission · Civil Judge Preliminary Examination, held 25.06.2017 · 100 questions

Preliminary Examination

1. Which of the following is NOT 'law' within the meaning of Article 13 of the Constitution of India?

(A) Ordinance
(B) Government Circular
(C) Rules
(D) Notification

2. What does the principle of 'Double Jeopardy' mean?

(A) No person can be prosecuted and punished for the same offence more than once
(B) No person accused of an offence can be compelled to be a witness against himself
(C) No person can be convicted for an act which was not an offence when committed
(D) No person can be deprived of his life without due process of law

3. Which of the following articles of the Constitution of India provides 'Right to minorities to establish and administer educational institution of their choice'?

(A) Article 26
(B) Article 17
(C) Article 30
(D) Article 24

4. Which of the following statements is NOT correct?

(A) Supreme Court has writ jurisdiction.
(B) Supreme Court has appellate jurisdiction.
(C) Supreme Court has advisory jurisdiction.
(D) Supreme Court has no original jurisdiction.

5. Which of the following articles of the Constitution of India makes provision for 'Equal justice and free legal aid'?

(A) Article 39 - A
(B) Article - 44
(C) Article - 41
(D) Article - 51

6. The composition of Parliament consists of:

(A) House of the People only
(B) House of the People and Council of States only
(C) President, Council of States and House of the People
(D) Election Commission, House of the People and Council of States

7. 'Writ of Certiorari' is issued in which of the following cases?

(A) To quash illegal appointment on public post
(B) To direct release of person detained illegally
(C) To quash order of quasi-judicial bodies, if passed without jurisdiction
(D) To direct public authorities to perform their public duties

8. Which of the following is a fundamental duty of every citizen of India?

(A) Safeguard public property and to abjure violence
(B) Organization of Village Panchayats
(C) Protect interests of minorities
(D) Separate judiciary from executive

9. In which of the following cases did Supreme Court issue directions in the favour of acid attack victims?

(A) Devika Biswas v. Union of India (2016)
(B) Laxmi v. Union of India (2016)
(C) Swaraj Abhiyan v. Union of India (2016)
(D) Ashiq Hussain Faktoo v. Union of India (2016)

10. Provisions for Co-operative Societies has been added in the Constitution of India by:

(A) Constitution (Seventy Eighth Amendment) Act, 1995
(B) Constitution (Ninety Seventh Amendment) Act, 2011
(C) Constitution (Ninety Ninth Amendment) Act, 2014
(D) Constitution (One Hundredth Amendment) Act, 2015

11. In which of the following cases was the National Judicial Appointment Commission (NJAC) declared unconstitutional by Supreme Court?

(A) Bhim Singh v. Union of India
(B) M.C. Mehta v. Union of India
(C) Common Cause v. Union of India
(D) Supreme Court Advocates on Record Association v. Union of India

12. Unless approved by the resolution of both Houses of Parliament, the proclamation of President rule in State shall cease to operate after expiration of

(A) One month
(B) two months
(C) three months
(D) six months

13. Which article of the Constitution of India states that "This Constitution may be called the Constitution of India"?

(A) Article 1
(B) Article 2
(C) Article 393
(D) Article 394

14. How many Schedules are there in the Constitution of India?

(A) 10
(B) 12
(C) 11
(D) 9

15. According to Section 57 of the Indian Penal Code, what is the term of imprisonment for life?

(A) 20 years
(B) 14 years
(C) 16 years
(D) 12 years

16. In which of the following cases did Supreme Court make it clear that 'mere criticism or comments on government would not amount to offence of sedition'?

(A) Ranbir Singh v. State of Haryana
(B) Gyan Kaur v. State of Punjab
(C) Kedarnath v. State of Bihar
(D) Shreya Singhal v. Union of India

17. In which of the following cases did Supreme Court issue directions for playing National Anthem in all cinema halls before start of feature film and making mandatory for all in hall to stand up and show respect to National Anthem?

(A) Devika Biswas v. Union of India
(B) Shyam Narayan Chauksey v. Union of India
(C) Bijoe Emannuel v. State of Kerala
(D) M.C. Mehta v. Union of India

18. In which of the following cases, the 'Rarest of rare' doctrine for award of death sentence was evolved by the Supreme Court?

(A) Ashok Kumar v. State of Rajasthan
(B) State of Tamil Nadu v. Nalini
(C) Bachhan Singh v. State of Punjab
(D) Mahesh Balmiki v. State of M.P.

19. 'A' finds a diamond ring in shopping mall not knowing to whom it belongs. 'A' sells it immediately without attempting to discover the true owner. Has 'A' committed any offence? Select correct answer from the given options.

(A) 'A' has committed offence of criminal breach of trust.
(B) 'A' has committed offence of mischief.
(C) 'A' has not committed any offence.
(D) 'A' has committed offence of dishonest misappropriation of property.

20. Any man who monitors the use by a woman of internet, email or any other form of electronic communication commits the offence of:

(A) voyeurism
(B) stalking
(C) sexual harassment
(D) assault

21. Under which section of the Indian Penal Code is the non-treatment of victim by Public or Private hospitals punishable?

(A) Section 166B
(B) Section 165A
(C) Section 228A
(D) Section 376D

22. 'A' causes 'Z' to go within a walled space and locks 'Z' in. 'Z' is thus prevented from proceeding in any direction beyond the circumscribing line of wall. 'A' has committed an offence of:

(A) wrongful restraint of Z
(B) wrongful confinement of Z
(C) criminal force against Z
(D) endangering life and personal safety of Z

23. What does Section 376 - D of the Indian Penal Code relate to?

(A) Custodial rape
(B) Gang rape
(C) Compensation to victim of rape
(D) Rape by husband

24. Which of the following sections of the Code of Criminal Procedure provides an accused the right to be defended by a pleader of his choice?

(A) Section 304
(B) Section 303
(C) Section 302
(D) Section 306

25. In which of the following cases have the rights of arrested person been enumerated by the Supreme Court?

(A) D. K. Basu v. State of West Bengal
(B) Maneka Gandhi v. Union of India
(C) Thakur Ram v. State of Bihar
(D) ADM Jabalpur v. Union of India

26. Report of police officer on completion of investigation under Section 173 of the Code of Criminal Procedure is called:

(A) Policy Diary
(B) Case Diary
(C) Charge Sheet
(D) Complaint

27. The doctrine of Plea bargaining is NOT applicable to offence punishable with:

(A) imprisonment of 2 years
(B) imprisonment of 3 years
(C) life imprisonment
(D) imprisonment of 1 year

28. What has the Code of Criminal Procedure (Amendment) Act, 2008 introduced?

(A) Victim compensation scheme
(B) Plea bargaining
(C) Sentencing power of magistrate
(D) Medical examination of victim of rape

29. Section 167 (2) of the Code of Criminal Procedure allows police custody for investigation of accused for a maximum period of _____ days.

(A) 30
(B) 60
(C) 90
(D) 45

30. What is the bar of taking cognizance after lapse of period of limitation of an offence punishable with imprisonment for term not exceeding one year?

(A) Six months
(B) One year
(C) Two years
(D) Three years

31. The Power to Remit Sentence can be exercised by:

(A) Supreme Court
(B) High Court
(C) Appropriate Government
(D) President

32. In which of the following cases has the Supreme Court recently held that recall of witness cannot be permitted endlessly on the pretext of fair trial?

(A) State of Haryana v. Ram Mehar (2016)
(B) State of Tamil Nadu v. K. Ramesh (2015)
(C) CBI v. Maninder Singh (2016)
(D) Pooja Pal v. Union of India (2016)

33. In which of following sections of the Code of Criminal Procedure is the provision for compounding of offences provided?

(A) Section 420
(B) Section 320
(C) Section 482
(D) Section 395

34. Under Section 395 of the Code of Criminal Procedure, which court can entertain case under reference?

(A) Supreme Court
(B) Trial Court
(C) Session Court
(D) High Court

35. Provision of Section 6 of the Evidence Act relating to relevancy of facts forming part of same transaction, is based on doctrine of:

(A) Res subjudice
(B) Estoppel
(C) Res gestae
(D) Hearsay evidence

36. Which of the following does not constitute evidence within the meaning of Section 3 of the Evidence Act?

(A) Tape recording of conversation
(B) Affidavit
(C) Electronic record produced for the inspection of court
(D) All documents produced for the inspection of court

37. Confession of co-accused is considered as:

(A) strong type of evidence
(B) Weak type of evidence
(C) no evidence
(D) sufficient evidence

38. Which of the following statements is NOT correct?

(A) Facts of which judicial notice has been taken need not be proved
(B) Character to prove conduct in civil cases is not relevant.
(C) Expert opinion is binding on court.
(D) In criminal cases, previous good character is relevant.

39. Presumption as to dowry death has been provided in which of the following sections of the Evidence Act?

(A) Section 113 - B
(B) Section 114
(C) Section 115
(D) Section 113

40. In which of the following cases was the principle of estoppel clearly framed?

(A) Polanski v. Conde Nast Publications Ltd.
(B) R v. Faster
(C) Queen v. Holmes
(D) Pickard v. Sears

41. 'A' (a client) says to 'B' (an attorney), 'I wish to obtain possession of property by use of a forged deed on which I request you to sue.' According to Section 126 of the Evidence Act, what is the legal position of this communication?

(A) The communication is protected from disclosure.
(B) The communication is not protected from disclosure.
(C) Limited protection can be granted.
(D) This communication can be rejected

42. In which of the following cases has the Supreme Court summarized and reiterated the rule of inadmissibility of confession made to Police Officer in Police custody?

(A) Pawan Kumar v. State of U.P.
(B) Ram Krishna Mishra v. State of U.P.
(C) Indra Dalal v. State of Haryana
(D) State of Delhi v. V. C. Shukla

43. Which of the following statements is correct?

(A) Minimum 2 witness are required for the proof of any fact.
(B) Minimum 3 witness are required for the proof of any fact.
(C) Minimum 4 witness are required for the proof of any fact.
(D) No particular number of witnesses is required for proof of any fact.

44. Recent judgment of the Supreme Court in Raju Devade v. State of Maharashtra deals with:

(A) dying declaration
(B) hostile witness
(C) child witness
(D) expert witness

45. When the court gives a decision in ignorance of a statute or a rule having statutory effect, such a decision is termed as:

(A) In personam
(B) Per incurium
(C) Sub silentio
(D) In rem

46. Plea raised by contesting respondent is in fact called:

(A) Plea for caveat
(B) Plea for adjournment
(C) Plea for demurrer
(D) Plea for rejection of evidence

47. What does 'Pleading' consist of?
(A) Plaint and written statement
(B) Affidavit
(C) Order of Court
(D) Decree of Court

48. Provision for grant of temporary injunction is provided in _____ of the Code of Civil Procedure.
(A) Section 95 read with order XXXIX
(B) Section 78
(C) Section 95 read with order XXXVII
(D) Section 151

49. Non Joinder of necessary party in a suit will lead to:
(A) dismissal of suit
(B) stay of suit
(C) continuation of suit
(D) imposition of cost

50. Which of the following is a correct statement?
(A) A woman can be arrested for execution of money decree.
(B) A woman can be arrested and released on bail in execution of money decree.
(C) A woman cannot be arrested for execution of money decree.
(D) Money decree cannot be executed against woman.

51. Proceedings by which a decree holder seeks to recover money or property of judgment debtor in the hands of third party is known as:
(A) Interpleader suit
(B) Mesne profit
(C) Garnishee order
(D) Doctrine of Subrogation

52. In which of the following cases has the Supreme Court held that "When hearing of the suit is commenced, it has to be continued from day to day"?
(A) M. V. Shastry v. Gopalkrishna Bhat
(B) Ram Narang v. Ramesh Narang
(C) Lachman Dass v. Jagat Ram
(D) Bajaj Auto Ltd. v. TVS Motor Co.

53. Which of the following is NOT liable to attachment and sale in execution of decree?
(A) Land and Building
(B) Money and Cheques
(C) Money payable under policy of insurance
(D) Shares

54. Under which of the following sections of the Code of Civil Procedure is the requirement of statutory notice before filing suit against government laid down?
(A) Section 75
(B) Section 80
(C) Section 14
(D) Section 115

55. What does the recent judgment of the Supreme Court in Union of India v. Diler Singh deal with?
(A) Second appeal
(B) Restitution
(C) Res Judicata
(D) Suit against government

56. In which section of the Code of Civil Procedure are the inherent powers of court mentioned?
(A) Section 148
(B) Section 151
(C) Section 95
(D) Section 114

57. An offer which is allowed to remain open for acceptance over a period of time is known as:
(A) Invitation to offer
(B) Cross offer
(C) Standing offer
(D) Specific offer

58. Which of the following statements is correct?
(A) Contract with minor is valid
(B) Rule of estoppel apply to minor.
(C) Contract with minor can be ratified on attaining majority.
(D) A minor can be agent.

59. In which of the following situations will the provisions of Section 56 of the Contract Act not apply?
(A) Destruction of subject matter
(B) Subsequent impossibility
(C) Change of law
(D) Difficulty of performance

60. A contract to perform the promise or discharge the liability of third person in case of his default is known as:
(A) Contract of indemnity
(B) Contract of bailment
(C) Contract of guarantee
(D) Contract of agency

61. A without authority of B lends money of B to C. Afterwards, B accepts interest on money from C. What does B's conduct lead to?

(A) Agency by necessity
(B) Agency by holding out
(C) Agency by estoppel
(D) Agency by ratification

62. In which of the following cases was the legality of contract over telephone decided?

(A) Hyde v. Wrench
(B) Powell v. Lee
(C) Entores Ltd. v. Miles Far East Corporation
(D) Said v. Butt

63. In which of the following cases, the Supreme Court struck down a clause in service agreement whereby service of a permanent employee could be terminated by giving 3 months' notice, as unreasonable and opposed to public policy?

(A) Hakam Singh v. Gammon India
(B) S. G. Nayak v. National Insurance Co.
(C) State of Karnataka v. Shree Rameshwara Rice Mills
(D) Central Inland Water Transport Corp. Ltd. v. Brojo Nath

64. Responsibility of finder of goods is covered under:

(A) indemnity
(B) quasi contract
(C) contingent contract
(D) agency

65. In which of the recent cases has Supreme Court held that 'there can only be an assignment of rights arising under a contract, but not the burden of a contract'?

(A) Sasan Power Ltd. v. North American Coal Corp. India Private Limited (2016)
(B) United India Insurance Co. Ltd. v. Orient Treasures (P) Ltd. (2016)
(C) DDA v. Kenneth Builders & Developers (2016)
(D) Gangotri Enterprises v. Union of India (2016)

66. As per the Transfer of Property Act which of the following is NOT transferable?

(A) Future property
(B) Movable property
(C) Immovable property
(D) Pension amount of pensioner

67. A suit to obtain a decree under Section 67 of the Transfer of Property Act is called:

(A) Suit for foreclosure or sale
(B) Suit for redemption
(C) Suit for mesne profit
(D) Interpleader Suit

68. In which section of Transfer of Property Act has the rule against perpetuity been mentioned?

(A) Section 56
(B) Section 14
(C) Section 52
(D) Section 61

69. What does the rule of 'Spes succession' mean?

(A) Once a mortgage, always a mortgage.
(B) Mere right of re-entry for breach of condition subsequent cannot be transferred
(C) The chance of an heir apparent succeeding to an estate, cannot be transferred.
(D) Transfer to unborn child is not valid.

70. Mortgagor binds himself to repay the mortgage money on certain date and transfer mortgage property absolutely to mortgagee with a condition that upon repayment of mortgage money, the mortgagee will re-transfer it to mortgagor. This type of mortgage is known as:

(A) English mortgage
(B) Mortgage by deposit of title deed
(C) Usufructuary mortgage
(D) Simple mortgage

71. Which of the following statements is correct?

(A) Transfer of actionable claim is not permissible.
(B) Transfer of actionable claim can be made orally.
(C) Transfer of actionable claim cannot be made without consideration.
(D) Transfer of actionable claim whether with or without consideration shall be effected only by execution of an instrument in writing.

72. In which of the following cases did the Supreme Court recognize the principle "once a mortgage, always a mortgage"?

(A) Indira Kaur v. Sheo Lal Kapoor
(B) Mrutunjay Pani v. Narmada Bala Sasmal
(C) Sidh Kamal Nayak v. Bira Nayak
(D) Chandi Rani v. Kamal Rani

73. In which of the following cases has Supreme Court held that Right of redemption of mortgagor stands extinguished, when sale of mortgaged property is effectuated in court auction?

(A) Embassy Hotel (P) Ltd. v. Gajaraj & Co.
(B) Punjab & Sindh Bank v. Punjab Breeders Ltd.
(C) State of H.P. v. Rajesh Chandra Sood
(D) Unitech v. Union of India

74. 'A' signs an instrument in writing as under 'on demand, I promise to pay B the sum of Rs 10,000'. What is this called?

(A) Bill of exchange
(B) Simple note
(C) Promissory note
(D) Cheque

75. Who is 'holder in due course'?

(A) A person who holds negotiable instrument in the name of his spouse
(B) A person who holds negotiable instrument in his name
(C) A person who becomes possessor of negotiable instrument without consideration
(D) A person who becomes possessor of negotiable instrument payable to bearer for consideration

76. In which of the following cases did Supreme Court hold that complaint for dishonor of cheque can be filed at the place where cheque was lodged and not where cheque was issued?

(A) A.C. Narayan v. State of Maharashtra
(B) P.J. Agro v. Water Base Ltd.
(C) Bridgestone India (P) Ltd. v. Inderpal Singh
(D) Standard Chartered Bank v. State of Maharashtra

77. Which of the following is NOT included in the definition of 'accommodation' within the meaning of Sec. 2 (1) of the Chhattisgarh Rent Control Act?

(A) Garden
(B) Open space
(C) Agricultural land
(D) Garage

78. The Chairman of Rent Control Tribunal shall be appointed in consultation with:

(A) Governor
(B) Chief Minister
(C) Revenue Department
(D) High Court

79. Appeal against the order of Rent Control Tribunal shall lie to:

(A) Supreme Court
(B) High Court
(C) District Court
(D) State Government

80. Which provision of the Chhattisgarh Excise Act requires license for sale of intoxicant?

(A) Section 16
(B) Section 17
(C) Section 23
(D) Section 25

81. 'A' has been found consuming alcohol at Railway Station, on two occasions. He was convicted earlier. What will be the minimum amount of fine to be imposed on 'A' on second conviction?

(A) ₹2,000
(B) ₹3,000
(C) ₹5,000
(D) ₹1,000

82. Which of the following offences under Chhattisgarh Excise Act has been declared as non-bailable?

(A) Consuming liquor at public place
(B) Misconduct of licensee
(C) Unlawful transport of liquor
(D) Importing of liquor unfit for human consumption

83. Under Chhattisgarh Land Revenue Code, power to propose fixation of assessment rates has been conferred upon:

(A) Patwari
(B) Settlement officer
(C) Revenue Board
(D) Collector

84. Any person found guilty of theft under section 241 of the Chhattisgarh Land Revenue Code (as amended in 2011) shall be levied a penalty not exceeding a sum of:

(A) ₹5,000
(B) ₹10,000
(C) ₹15,000
(D) ₹25,000

85. Suit against which of the following is NOT barred by period of limitation?

(A) Trustee
(B) Tenant
(C) Debtor
(D) Partner

86. In case of continuous breach of contract, what shall the period of limitation be reckoned as?

(A) 3 years
(B) 1 year
(C) 2 years
(D) Fresh period of limitation to run at every breach of contract

87. For claiming easementary right, one must have enjoyed open and peaceful access for a period of:

(A) 15 years
(B) 10 years
(C) 20 years
(D) 40 years

88. By which of the following methods shall the Court fee be collected?

(A) Online transfer
(B) Cash payment
(C) Bank draft
(D) Stamps

89. In which of the sections of the Court Fees Act is the provision for computation of court fee provided?

(A) Section 7
(B) Section 3
(C) Section 19
(D) Section 2

90. In which of the recent cases has the Supreme Court held that 'period spent bona fide prosecuting proceedings in wrong forum is to be excluded in computing period of limitation'?

(A) A.P. Power Co-ordination Committee v. Lanco Kondapalli Power Limited (2016)
(B) B. S. Sheshagiri Setty v. State of Karnataka (2016)
(C) Sundaram Finance v. Noorjahan Beevi (2016)
(D) Standard Chartered Bank v. Andhra Bank Financial Services (2016)

91. Registration of which of the following documents is compulsory?

(A) Deed of will
(B) Gift deed of immovable property
(C) Lease of immovable property for less than one year
(D) Acknowledgement of receipt of payment

92. Other than Will, all documents should be presented for registration within _____ from date of execution.

(A) 1 year
(B) 6 months
(C) 4 months
(D) 3 months

93. Document (other than wills) remaining unclaimed in any registration office for a period exceeding _____ may be destroyed.

(A) 1 year
(B) six months
(C) 2 years
(D) 3 years

94. In which of the following cases did the Supreme Court hold that registering officer under Section 35 of the Registration Act cannot enquire into title of the person seeking registration?

(A) Satyapal Anand v. State of M.P.
(B) Yellapu Uma Maheswari v. Buddha Jagadheeswararao
(C) Maya Devi v. Lalta Prasad
(D) Om Prakash v. Shanta Devi

95. Which of the following statements is NOT correct?

(A) Registrar shall refuse registration of document, if duplicate copy along with original copy is not submitted
(B) Document for registration of property shall be presented before sub-registrar in whose jurisdiction the whole or part of the property is situated
(C) A will may be presented for registration at any time.
(D) The carbon copy of original document can be treated as duplicate copy.

96. Which of the following is a correct statement?

(A) A contract made by trustee in excess of his powers can also be specifically enforced

(B) Suit for recovery of possession of immovable property by a person who has been dispossessed can be filed after expiry of one year of dispossession.

(C) A contract, for the non-performance of which compensation in money is an adequate relief, is not specifically enforceable.

(D) Suit for recovery of possession of immovable property by a person who has been dispossessed can also be brought against government.

97. 'A', a singer, has entered into contract with 'B' for giving performance. Subsequently 'A' commits breach of contract. What remedy is available to 'B'?

(A) 'B' can file suit for specific performance of contract against 'A'.

(B) 'B' can file suit for injunction against 'A'.

(C) 'B' can claim damages from 'A'.

(D) 'B' can rectify the contract.

98. When an instrument in writing does not express the real intention, then either party may institute a suit for:

(A) cancellation of instrument

(B) rectification of instrument

(C) rescission of instrument

(D) impounding of instrument

99. Which of the following remedies cannot be granted under Specific Relief Act?

(A) Declaratory Decree

(B) Cancellation of Instrument

(C) Grant of Perpetual Injunction

(D) Issuance of Writ

100. In which of the sections of Specific Relief Act is the specific performance of contract enforceable?

(A) Section 10

(B) Section 14

(C) Section 16

(D) Section 18