Himachal Pradesh Civil Judge Preliminary Examination · December 2014 · Questions

Held 1 March 2015 · 150 questions in three papers. Series A in each subject. Numbering runs across the papers.

Paper I · Civil Law I

1. Who may delegate the power under Section 19 of the Himachal Pradesh Courts Act, 1976?

(A) Civil Judge
(B) District Judge
(C) Civil Judge and District Judge
(D) None of the above

2. Under the Himachal Pradesh Courts Act, 1976 who may make rules to regulate the issue of licences to petition writers?

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

3. Under the Indian Stamp Act, 1899, 'Lease' means a lease of

(A) Movable property
(B) Immovable property
(C) Movable and immovable property
(D) None of the above

4. 'Settlement' under the Indian Stamp Act, 1899 means

(A) Any non-testamentary disposition
(B) any testamentary disposition
(C) any testamentary or non-testamentary disposition
(D) None of the above

5. 'Bill of lading' under the Indian Stamp Act, 1899 includes

(A) Mate's receipts
(B) Through bill of lading
(C) Mates' receipts and through bill of lading
(D) None of the above

6. Provision regarding 'Special Economic Zone' was inserted in Section 3 of the Indian Stamp Act, 1899, in the year of

(A) 1971
(B) 2008
(C) 2009
(D) 2005

7. Section 4 of the Indian Stamp Act, 1899, relates to

(A) Sale only
(B) Mortgage only
(C) Settlement only
(D) Sale, mortgage or settlement

8. For the purpose of Section 8A of the Indian Stamp Act, 1899, the expression 'Beneficial Owner' shall have the meaning as assigned in

(A) The Depositories Act, 1996
(B) The Negotiable Instruments Act, 1881
(C) The Indian Contract Act, 1872
(D) Securities and Exchange Board of India Act, 1992

9. Under Section 9 of the Indian Stamp Act, 1899, who may reduce, remit or compound the duties?

(A) High Court
(B) Collector
(C) Government
(D) Chief Controlling Revenue Authority

10. Under the Indian Stamp Act, 1899, in case of a counterpart of a lease, in the absence of any agreement to the contrary, the expenses for providing proper stamp shall be borne by

(A) lessee
(B) lessor
(C) lessee and lessor
(D) none of the above

11. Under the Specific Relief Act, 1963, a suit for recovery of possession can be filed for the recovery of

(A) Movable property only
(B) Immovable property only
(C) Movable and immovable property
(D) none of the above

12. Section 8 of the Specific Relief Act, 1963 cannot be invoked against a person

(A) Who has possession of the property
(B) Who has control over the property
(C) Who is owner of the property
(D) None of the above

13. Under Section 36 of the Specific Relief Act, 1963, the preventive relief is granted by

(A) Declaration
(B) Specific performance
(C) Injunction
(D) None of the above

14. Injunction granted under the Specific Relief Act, 1963 may be

(A) temporary only
(B) Perpetual only
(C) temporary or perpetual
(D) none of the above

15. Under Clause (3) of Section 38 of the Specific Relief Act, 1963, perpetual injunction can be granted when

(A) the defendant is not a trustee of property for the plaintiff
(B) there exists standard for ascertaining the actual damage caused
(C) compensation would afford adequate remedy
(D) it is necessary to prevent multiplicity of proceedings

16. Section 26 of the Specific Relief Act, 1963 contains the provision regarding

(A) Rectification of instruments
(B) Rescission of Contracts
(C) Cancellation of Instruments
(D) Declaratory decree

17. Provisions regarding 'specific performance of part of contract' are contained in

(A) Section 11 of the Specific Relief Act, 1963
(B) Section 12 of the Specific Relief Act, 1963
(C) Section 13 of the Specific Relief Act, 1963
(D) Section 14 of the Specific Relief Act, 1963

18. Under Section 37 of the Specific Relief Act, 1963, a temporary injunction can be granted

(A) only before the settlement of issues
(B) only before the conclusion of plaintiff's evidence
(C) only before the conclusion of defendant's evidence
(D) at any stage of the suit

19. In relation to the expressions defined in Section 3 of the Indian Evidence Act, which of the following statements is not correct?

(A) Fact includes any mental condition of which any person is conscious
(B) Courts include arbitrators
(C) an inscription on a metal plate is a document
(D) a fact is said to be not proved when it is neither proved nor disproved

20. For proving execution of a registered will, it is necessary to call

(A) at least one attesting witness
(B) at least two attesting witnesses
(C) the registrar
(D) none of the above

21. Secondary evidence of the contents of a document is not admissible when

(A) the original is of a nature as not to be easily movable
(B) the original has been lost
(C) the original is public document
(D) the original has been found to be inadmissible

22. Which of the following is not correct statement?

(A) No confession which is procured by promise is relevant
(B) A confession made by an accused to a police officer whether during custody or out of custody is irrelevant
(C) A confession made by an accused voluntarily to any person other than police officer while he was not in police custody can be proved
(D) A confession made by an accused to a police officer in the presence of a Magistrate is relevant

23. A document containing a communication from a husband to his wife in the hands of a third person is

(A) not admissible in evidence until consented to by the writer of the communication
(B) not admissible at all
(C) admissible in evidence
(D) none of the above

24. Documents in respect of which privilege has been provided under Section 123 of the Indian Evidence Act

(A) is a published official record
(B) is an unpublished official record
(C) both (A) and (B)
(D) none of the above

25. The relationship in Section 50 of the Indian Evidence Act, means

(A) Relationship by blood only
(B) Relationship by blood or marriage only
(C) Relationship by blood or marriage or adoption
(D) None of the above

26. 'Mistake' referred to in Proviso (1) to Section 92 of the Indian Evidence Act, refers to

(A) Unilateral mistake only
(B) Mutual mistake only
(C) Unilateral and mutual mistake
(D) None of the above

27. Section 105 of the Indian Evidence Act applies to

(A) Criminal Trials
(B) Civil suits
(C) Both (A) and (B)
(D) Neither (A) nor (B)

28. 'Any person' in Section 106 of the Indian Evidence Act refers to

(A) a party to the suit
(B) a stranger to the suit
(C) a witness
(D) none of the above

29. The presumption under Section 41 of the Indian Evidence Act is

(A) a presumption of fact
(B) a rebuttable presumption of law
(C) an irrebuttable presumption of law
(D) a presumption of law and fact

30. The presumption under Section 90 of the Indian Evidence Act, can be drawn in respect of

(A) Original documents
(B) Certified copies
(C) Uncertified copies
(D) All of the above

31. Under Section 145 of the Indian Evidence Act, a witness may be contradicted as to his previous statement in writing

(A) without drawing his attention to the previous writing
(B) after drawing his attention to the previous writing
(C) without drawing or after drawing his attention to the previous writing
(D) none of the above

32. Section 91 of the Indian Evidence Act applies to

(A) only to the transactions which under the law must be in writing
(B) only to the transactions which are reduced into the writing
(C) Both (A) and (B)
(D) None of the above

33. Queen Empress Vs. Abdullah, ILR 7 All 385 is related to which of the following under Section 8 of the Indian Evidence Act?

(A) Motive
(B) Preparation
(C) Conduct
(D) None of the above

34. Section 81-A was added in the Indian Evidence Act by the Information Technology Act, 2000 to provide the presumption as to

(A) electronic agreements
(B) electronic messages
(C) electronic records
(D) Gazettes in electronic forms

35. Which of the following decisions is not a decree?

(A) Order of abatement of suit
(B) Dismissal of appeal as time barred
(C) Rejection of plaint for non-payment of court fee
(D) Order refusing to set aside sale

36. The principle of Private International Law is incorporated in

(A) Sections 13 and 14 of the Code of Civil Procedure
(B) Sections 15 and 16 of the Code of Civil Procedure
(C) Sections 17 and 18 of the Code of Civil Procedure
(D) Sections 19 and 20 of the Code of Civil Procedure

37. Mark the incorrect statement

(A) A civil court has jurisdiction to try all suits of civil nature unless barred expressly or impliedly
(B) Consent can confer or take away jurisdiction of a court
(C) A decree passed by a court without jurisdiction is a nullity
(D) Burden of proof of exclusion of jurisdiction of a court is on the party who asserts it

38. Judgment of a 'Court of Small Causes' may not have

(A) a concise statement of the case
(B) the points for determination
(C) the decision thereon
(D) all of the above

39. Dismissal of the suit under Rule 3 of Order 9 of the Code of Civil Procedure

(A) bars a fresh suit in respect of the same cause of action
(B) does not bar a fresh suit in respect of the same cause of action
(C) may bring a fresh suit with the leave of the High Court
(D) may bring a fresh suit with the leave of District Judge

40. Under Order 12, Rule 2 of the Code of Civil Procedure, the time to be given to a party to admit any document when called upon by notice is

(A) 15 days from the date of service of notice
(B) 10 days from the date of service of notice
(C) 7 days from the date of service of notice
(D) 21 days from the date of service of notice

41. Which of the following questions may not be said to be substantial question of law for the purpose of 'Second Appeal'?

(A) a question of law on which there is conflict of judicial opinion
(B) recording of finding without any evidence on record
(C) taking into consideration irrelevant evidence
(D) concurrent findings of fact recorded by courts below

42. Under proviso to sub-rule (1) of Order 17 of Code of Civil Procedure, the maximum adjournments can be granted, are

(A) five
(B) four
(C) three
(D) two

43. What is not correct regarding 'Friendly Suit' under the Code of Civil Procedure?

(A) Parties do not approach a court by presentation of a plaint
(B) Parties are not interested in the decision
(C) Parties enter into an agreement in writing stating such questions for the purpose of obtaining the opinion of the court
(D) None of the above

44. The 'Doctrine of restitution' is based upon the maxim

(A) actus curiae neminem gravabit
(B) actus non facit reum, nisi mens sit rea
(C) actori incumbit onus probandi
(D) actus dei nemini facit injuriam

45. An agreement or compromise entered in a 'representative suit' without the leave of the court is

(A) void
(B) voidable
(C) valid
(D) either valid or voidable

46. Under Order 32, Rule 10 of the Code of Civil Procedure on the death of 'next friend', the suit shall be

(A) dismissed
(B) stayed
(C) rejected
(D) dismissed or stayed

47. Where the plaintiff dies after hearing and before pronouncement of judgment, the suit

(A) Shall not abate
(B) Shall abate
(C) Shall abate if the right to sue does not survive
(D) None of the above

48. Who is not entitled to apply under Rule 90 of Order 21, the Code of Civil Procedure, for set aside sale of immovable property in execution of decree?

(A) the decree-holder
(B) the auction-purchaser
(C) judgment debtor
(D) none of the above

49. Order 20, Rule 12 of the Code of Civil Procedure provides for passing of preliminary decree in a suit for

(A) dissolution of partnership
(B) pre-emption
(C) possession and mesne profits
(D) accounts between principal and agent

50. A decision in a suit may operate as res judicata against persons not expressly named as parties to the suit by virtue of 'Explanation'

(A) II to Section 11 of the Code of Civil Procedure
(B) IV to Section 11 of the Code of Civil Procedure
(C) VI to Section 11 of the Code of Civil Procedure
(D) VII to Section 11 of the Code of Civil Procedure

Paper II · Civil Law II

51. A decree of Judicial separation: (i) dissolve the Matrimonial bond (ii) does not dissolve the matrimonial bond but merely suspends marital rights and obligations during the subsistence of the decree (iii) mandates that the parties still continue to be husband and wife but are not obliged to live together (iv) provides that if the parties have not resumed co-habitation for a period of one year either party may seek divorce

(A) (i), (ii) and (iv)
(B) (i), (ii), (iii) and (iv)
(C) (i) and (iv)
(D) (ii), (iii) and (iv)

52. Rules relating to sapinda relationship are based on the principle of

(A) Polygyny
(B) Endogamy
(C) Exogamy
(D) Polyandry

53. Which of the following has not yet been statutorily recognized as a theory of divorce under the Hindu Marriage Act, 1955?

(A) Fault theory
(B) Will theory
(C) Guilt theory
(D) Breakdown theory

54. In giving a child in adoption by the Hindu father, the requirement of consent of the mother can be dispensed with if: (i) She has been declared to be of unsound mind by a competent court (ii) She has completely renounced the world (iii) She has ceased to be a Hindu (iv) Her age is less than 18 years

(A) (ii), (iii) and (iv)
(B) (i), (ii), (iii) and (iv)
(C) (i), (ii) and (iii)
(D) (i), (iii) and (iv)

55. Hanuman Prasad Panday Vs. Mst. Babooee is a case related to

(A) Adoption
(B) Guardianship
(C) Marriage
(D) Succession

56. In which case the Supreme Court has held that a Uniform Civil Code would enhance the cause of National Integration by removing the contradictions based on ideologies?

(A) Sarla Mudgal Vs. UOI
(B) Lily Thomas Vs. UOI
(C) John Vallamation Vs. UOI
(D) Mohammad Ahmad Khan Vs. Shah Bano

57. Match List I with List II. List I: a) Manohar Lal Vs. Rao Raja S. Hiralal; b) Subramma Vs. Saraswati; c) Jotish Chandra Vs. Meera; d) Sobha Vs. Modhukar. List II: (i) Adultery; (ii) Constructive desertion; (iii) Cruelty, demand of dowry; (iv) Interim maintenance

(A) a-(iv), b-(i), c-(ii), d-(iii)
(B) a-(iv), b-(ii), c-(iii), d-(i)
(C) a-(i), b-(ii), c-(iii), d-(iv)
(D) a-(ii), b-(iii), c-(iv), d-(i)

58. In which case, the Supreme Court has exhorted the Union of India to seriously consider and amend the existing law to add the ground of irretrievable breakdown of marriage?

(A) Ashok Hura Vs. Rupa Hura
(B) Naveen Kohli Vs. Neelu Kohli
(C) Satish Sitole Vs. Ganga
(D) Gaurav Nagpal Vs. Sumedha Nagpal

59. In which of the following case, the Supreme Court held that even the wife of a void marriage is entitled to maintenance?

(A) Amarjeet Kaur Vs. Harbhajan Singh (2003)10 Sec. 406
(B) Chand Dhawan Vs. Jawahar Lal Dhawan (1993)3 SCC 406
(C) Nirmala Devi Vs. Ram Dass (2001)2 SCC 4
(D) Ramesh Chandra Vs. Veena Kausal, AIR 1978 S.C. 1807

60. In which state, where widow may adopt a child without an express authority from her husband, before the H.A. and M. Act, 1956?

(A) Bihar and Madhya Pradesh
(B) U.P. and Haryana
(C) Madras and Bombay
(D) Orissa and Andhra Pradesh

61. On which date had the State Government promulgated the H.P. Urban Rent Control Ordinance?

(A) 17 August, 1987
(B) 18 August, 1987
(C) 15 September, 1987
(D) 20 October, 1987

62. Rent Controller is strict sense:

(A) Not a Court
(B) Trapping of a Court
(C) Both (A) and (B)
(D) None of the above

63. The order fixing the fair rent is a judgment

(A) In personam
(B) In reum
(C) Both (A) and (B)
(D) None of the above

64. Match List I with List II and select the correct answer by using the codes given below the lists. List I: (a) New Tenant (b) Fair rent fixed shall be operated from the date of application (c) Cutting off (d) Landlord's duty to keep building up Good repairs. List II: (i) Section 4(5) (ii) Section 11 (iii) Section 13 (iv) Section 4(2)(a) of Act, 1987. Codes in the order (a), (b), (c), (d):

(A) a-(i), b-(ii), c-(iii), d-(iv)
(B) a-(iv), b-(i), c-(ii), d-(iii)
(C) a-(ii), b-(iii), c-(iv), d-(i)
(D) a-(iv), b-(ii), c-(i), d-(iii)

65. 10% increase of rent shall be allowed from the expiry of the period under Section 5(2)(a)(i)(ii) of the Act of every:

(A) 6 years
(B) 4 years
(C) 5 years
(D) 9 years

66. In which of the following cases held that "Once the controller comes to the conclusion that the building is unsafe and unfit for human habitation, petition u/s 13 H.P. Urban Rent Control Act, 1987 becomes meaningless"?

(A) Anant Ram & Sons Vs. Raghubar Dayal
(B) Bhagat Ram Vs. Brijnath
(C) Rup Chand Vs. Gopi Chand
(D) Tirath Ram Vs. Gurubachan Singh

67. In which of the following case, the Supreme Court held that rendering of services cannot be a good consideration for subletting as it would be against rent laws?

(A) Dipak Bannerjee Vs. Smt. Lila Bati, AIR 1987 S.C. 2055
(B) Rup Chand Vs. Gopi Chand, AIR 1989 S.C. 1416
(C) Ram Dayal Vs. Ram Charan Dass (1984) 1 RCR 282
(D) Brijender Nath Vs. Harshvardhan, AIR 1988 S.C. 293

68. The case Brijendra Nath Vs. Harshvardhan AIR 1988 S.C. 293 is related with H.P.U.R. Act:

(A) Section 14(2)(ii)(b) of the Act, 1987
(B) Section 14(2)(ii)(a) of the Act, 1987
(C) Section 14(3) of the Act, 1987
(D) Section 14(3)(a)(iii) of the Act, 1987

69. In which of the following case the court had held that it is obligatory on the part of the Controller to process an application filed for fixation of fair rent to its logical end?

(A) Dayawanti Vs. Kirpa Ram, AIR 1981 H.P. 6
(B) Surjit Singh Vs. Pritam Singh, AIR 1975 H.P. 43
(C) Ramji Dass Vs. Roshan Lal, 1963 P.L.R. 647
(D) Mangat Rai Vs. Kedar Nath, AIR 1980 S.C. 1709

70. The landlord contravening the provisions of Clause (9) of Section 7 or Section 8 shall be punishable with imprisonment which may extend to:

(A) 2 years only
(B) One year with fine
(C) Only fine
(D) 2 years with fine

71. Match List I with List II (HPURC Act): (a) Rup Chand Vs. Gopi Chand (b) Bant Singh Vs. Ram Chand (c) Om Prakash Vs. Sarla Kumari (d) Nath Sharma Vs. Prem Lata. List II: (i) Subletting (ii) Change of user (iii) Arrears of rent (iv) Bona fide need. Codes in the order (a) (b) (c) (d):

(A) (i) (ii) (iii) (iv)
(B) (ii) (iv) (iii) (i)
(C) (i) (iv) (ii) (iii)
(D) (iii) (iv) (ii) (i)

72. The Rent Controller has been empowered to inflict penalty on the Landlord, in case he is satisfied that the application for eviction was made by the Landlord on frivolous or vexatious grounds:

(A) Upto Rs. 1000
(B) Upto Rs. 250
(C) Upto Rs. 500
(D) Upto Rs. 5000

73. Which of the following cases is related to letter of intent?

(A) D.R.S.A. Vs. M/s Bindal Agrochemical Ltd., AIR 2006 S.C. 871
(B) Union of India Vs. Maddala Thathaiah, AIR 1966 S.C. 1724
(C) Patna Regional Dev. Authority Vs. Rashtriya Pariyojna Nirman Nigam, AIR 1966 S.C. 2074
(D) Bhagwandas Vs. Girdharilal & Co., AIR 1966 S.C. 543

74. Match List I with List II. List I: a) Acceptance of offer by conduct; b) Phishing; c) Contract through e-mail; d) Promissory estoppel. List II: (i) National Association of Software & S. Computer Vs. Ajay Sood, AIR 2005 Delhi 269; (ii) Bhaghwati Prasad Pawan Kumar Vs. Union of India, AIR 2006 S.C. 2331; (iii) Ali Mohd. Sheikh Vs. J & K, AIR 1987 J&K 11; (iv) Sapna Ganglani Vs. R.S. Enterprises, AIR 2008 Kr. 178

(A) a-(iv), b-(iii), c-(i), d-(ii)
(B) a-(i), b-(ii), c-(iii), d-(iv)
(C) a-(ii), b-(i), c-(iv), d-(iii)
(D) a-(i), b-(iii), c-(ii), d-(iv)

75. The communication of an acceptance by post is complete as against the proposer

(A) When it comes to the knowledge of the proposer
(B) When it is put in a course of transmission to him so as to be out of the power of the acceptor
(C) When it is received by the proposer
(D) None of the above

76. Compromise of dispute claims:

(A) is not permitted by law
(B) results in a void agreement
(C) is not a good consideration for a contract
(D) is a good consideration for a contract

77. A sells, by auction, to his daughter, a horse which 'A' knows to be unsound and 'A' says nothing about the horse's unsoundness:

(A) This a fraud
(B) This not a fraud
(C) This misrepresentation
(D) None of these

78. When the promisor offers to perform his obligation to the promisee, it is called

(A) Novation
(B) Tender of performance
(C) Offer of performance
(D) Both (B) and (C)

79. Lending money to a borrower at a high rate of interest, when the money market is tight, renders the agreement of loan

(A) Valid
(B) Void
(C) Voidable
(D) Illegal

80. The concept that says unfair or unconscionable contracts or clauses should not be enforced is known as:

(A) Pacta Sunt Servanda
(B) Prima Facie
(C) Culpa in Contrahendo
(D) Abus de droit

81. Threat to strike is

(A) Undue influence
(B) Mistake
(C) Coercion
(D) No coercion

82. A contract may be vitiated by: (i) Fraud (ii) Mistake (iii) Frustration (iv) Undue-influence. Codes:

(A) Only (i) is correct
(B) Only (i) & (ii) are correct
(C) Only (i), (ii), (iii) are correct
(D) All are correct

83. Which one of the following pairs is correctly matched?

(A) In India, consideration must follow — from promisee only
(B) In India, consideration must follow — from only promisor or only promisee
(C) In India, consideration must follow — from promisor or any other person
(D) In India, consideration must follow — from promisee or any other person

84. An agreement not to pursue legal remedies but to refer the dispute to arbitration, under Section 28 of the Indian Contract Act, is

(A) Voidable
(B) Void
(C) Valid
(D) Unenforceable

85. The period of limitation for redemption of Mortgage under the Limitation Act, 1908 is:

(A) 7 years
(B) 12 years
(C) 30 years
(D) 60 years

86. The period of limitation provides for the revocation of a gift on the ground of fraud, undue-influence and misrepresentation is:

(A) 7 years
(B) 3 years
(C) 2 years
(D) 90 days

87. The period of limitation provides in case, no time is specified for redemption of a usufructuary mortgage under the Limitation Act, 1963 is:

(A) 3 years
(B) 7 years
(C) 12 years
(D) No specific limitation period

88. In which of the following case, the court has held that limitation period as provided in the Limitation Act, 1963 would extend seven years by virtue of Section 39 of the Limitation Act, since a period of 30 years. Thus making Limitation period for redemption of Mortgage as 37 years:

(A) Santa Singh Vs. Prakash Singh
(B) Purshottam Vs. Sagaji
(C) M.P. Ahmad Vs. Kutheravattam Estate Receiver
(D) All the above cases

89. The Limitation Act, 1963 does not bar the remedy if the suit is instituted under

(A) Code of Civil Procedure
(B) Transfer of Property Act
(C) Indian Divorce Act
(D) All of these

90. Which of the following Sections of the Limitation Act, 1963 defines “applicant”?

(A) Section 2(a)
(B) Section 2(b)
(C) Section 2(c)
(D) Section 2(d)

91. For the purpose of the Limitation Act, 1963, which of the following claims shall be treated as a separate suit?

(A) Set-off
(B) Counter-claim
(C) Both (A) and (B)
(D) None of these

92. When the right to institute a suit for the possession of any property becomes time barred, the right to the property shall be

(A) Continued
(B) Extinguished
(C) Subject to argument
(D) None of these

93. Effect of limitation is that it

(A) Bars the judicial remedy
(B) Extinguishes the right
(C) Both (A) and (B)
(D) None of these

94. 'A' gift a husband and wife on condition of the donor having physical possession of the wife. The gift is:

(A) Valid
(B) Void
(C) Invalid
(D) Unenforceable

95. In which of the following cases has the Supreme Court held that the law as to undue influence is the same in the case of a gift inter vivos as in the case of a contract?

(A) Subhash Chandra Vs. Ganga Prasad, AIR 1967 S.C. 878
(B) Tulsidas Vs. CIT, AIR 1961 S.C. 1023
(C) Sonia Bhatia Vs. State of U.P. (1981) 2 SCC 585
(D) Kuppaswamy Chittar Vs. Arumugam, AIR 1967 S.C. 1395

96. In which case has the Supreme Court held that "it is open to the donor to transfer by gift title and ownership in the property and at the same time reserve its possession and enjoyment to herself during her life time"?

(A) Hafeez Bi Vs. Sheikh Fareed, AIR 2011 S.C. 1695
(B) K. Balakrishnan Vs. K. Kamalam, AIR 2004 S.C. 1257
(C) Bharat Nidhi Ltd. Vs. Takhatmal, AIR 1969 S.C. 313
(D) Moti Das Vs. S.P. Sahi, AIR 1959 S.C. 942

97. Right of subrogation means

(A) the surety will step into the shoes of the creditor
(B) he is entitled to the benefit of every security which the creditor has
(C) the surety can claim indemnity from the principal debtor
(D) none of the above

98. In which case of the Supreme Court has held "that the Mortgage was valid even though no part of mortgage-money has been advanced"?

(A) Nathu Lal Vs. Phool Chand, AIR 1970 S.C. 546
(B) State of Kerala Vs. Cochin Refineries, AIR 1968 S.C. 1361
(C) Raghunath Vs. Kedar Nath, AIR 1969 S.C. 1316
(D) Gurdas Mal Vs. Punjab Singh Bank Ltd. 1933 Lah 972

99. Bharat Nidhi Ltd. Vs. Takhatmal, AIR 1969 S.C. 313 is related to

(A) Actionable claim (Section 130)
(B) Ostensible owner (Section 41)
(C) Election (Section 35)
(D) Notice (Section 3)

100. Match List I with List II (Hindu Marriage Act, 1955). List I: a) Impotency; b) Registration of marriage; c) Pre-marriage pregnancy; d) Incapacity to consent and mental disorder. List II: (i) Section 12(1)(d); (ii) Section 12(1)(b); (iii) Section 8; (iv) Section 12(1)(a)

(A) a-(iii), b-(ii), c-(i), d-(iv)
(B) a-(i), b-(ii), c-(iv), d-(iii)
(C) a-(iv), b-(ii), c-(iii), d-(i)
(D) a-(iv), b-(iii), c-(i), d-(ii)

Paper III · Criminal Law

101. By which one of the following Acts were the words "imprisonment for life" substituted for the words "transportation for life" in the Indian Penal Code?

(A) Act XXV of 1955
(B) Act XXIV of 1955
(C) Act XXVI of 1955
(D) Act XXVII of 1955

102. Under Section 44 of I.P.C., the term 'Injury' means any harm

(A) Illegally caused to a person in body and mind
(B) Illegally caused to a person in body and property
(C) Illegally caused to a person in body, mind, reputation or property
(D) Illegally caused to a person in body, mind and reputation

103. The essential ingredients of a crime are
(A) Motive, Mens rea and Actus reus
(B) Motive, Intention and Knowledge
(C) Mens rea and Actus reus
(D) Knowledge, Intention and Action

104. In which of the following cases was the difference between 'common intention' and 'similar intention' discussed by the Privy Council?
(A) Mahboob Shah Vs. King Emperor
(B) Barendra Kumar Ghose Vs. Emperor
(C) Reg Vs. Govinda
(D) J. M. Desai Vs. State of Bombay

105. Which of the following cases is related to Criminal Breach of Trust under Section 406 of I.P.C.?
(A) Barendra Kumar Ghose Vs. Emperor
(B) J. M. Desai Vs. State of Bombay
(C) Mahboob Shah Vs. Emperor
(D) Kedar Nath Vs. State of West Bengal

106. Which Section of IPC deals with enhanced punishment for offences under Chapter XII or Chapter VII after previous conviction?
(A) Section 74
(B) Section 75
(C) Section 73
(D) Section 76

107. A Hangman who hangs the prisoners pursuant to the order of the court is exempted from criminal liability by virtue of
(A) Section 77 of IPC
(B) Section 78 of IPC
(C) Section 79 of IPC
(D) Section 76 of IPC

108. A takes a camera belonging to B out of the possession of B without the consent of B, with the intention of keeping it until he gets a reward from B for its restoration. A is guilty of
(A) Criminal misappropriation
(B) Extortion
(C) Theft
(D) Cheating

109. A child of 9 years of age stole a gold necklace and immediately afterwards sold it to the accused. Is he guilty of theft?
(A) The child is not guilty as he lacked a sufficient maturity of understanding
(B) The child is guilty as he has attained a sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion
(C) The child is not guilty, as he was below 12 years of age
(D) None of the above

110. Match List I (Cases) with List II (Subjects). List I: a) State of Tamil Nadu Vs. Nalini; b) Tolson case; c) Jaidev Vs. State; d) Mahboob Shah Vs. King Emperor. List II: (i) Right of private defence; (ii) Criminal conspiracy; (iii) Common intention; (iv) Mistake of fact
(A) a-(ii), b-(iv), c-(i), d-(iii)
(B) a-(iii), b-(i), c-(iv), d-(ii)
(C) a-(iii), b-(iv), c-(i), d-(ii)
(D) a-(ii), b-(i), c-(iv), d-(iii)

111. Which one of the following statements is not correct? Criminal conspiracy requires:
(A) an agreement between two or more persons
(B) doing of an illegal act
(C) doing of a legal act with illegal means
(D) doing an act which may be an offence or not

112. Consider the following statements: (1) 'A' wilfully by a misrepresentation misled a police officer to arrest 'B' instead of 'C' (2) 'A' instigates 'B' to murder 'C', 'B' refuses to do so (3) 'A' instigates 'B' to murder 'D', 'B' stabs 'D', 'D' survives from the wound. Which of the above constitute the offence of abetment?
(A) (1), (2) and (3)
(B) (1) and (3) only
(C) (2) and (3) only
(D) (1) and (2) only

113. An employer deducts a certain percentage from the salary of his employees telling them that it is their contribution to the provident fund but fails to credit it in the fund. The employer has committed the offence of
(A) Criminal breach of trust
(B) Criminal misappropriation
(C) Theft
(D) Cheating

114. Which of the following combinations are not correctly matched? (1) Dowry death — Section 498-A (2) Rape — Section 377 (3) Adultery — Section 497 (4) Robbery — Section 391

(A) (1), (3) and (4)
(B) (1), (2) and (4)
(C) (1), (2) and (3)
(D) (2), (3) and (4)

115. A and B are both 16 years of age. A entices B (a girl) for marriage and takes her to another city. What offence has been committed by A?

(A) A has committed kidnapping
(B) A has committed no offence as B has gone with her own consent
(C) A has committed abduction
(D) A is himself a minor, hence A has committed no offence

116. Match List I (Elements of Offence) with List II (Types of Offence). List I: a) Movable property obtained without consent; b) Movable property obtained without consent, by instant violence; c) Movable property obtained without consent induced by fear; d) Movable property obtained using violence by a gang of six persons. List II: (i) Robbery; (ii) Extortion; (iii) Dacoity; (iv) Theft

(A) a-(iii), b-(iv), c-(i), d-(ii)
(B) a-(i), b-(i), c-(iv), d-(ii)
(C) a-(iv), b-(i), c-(ii), d-(iii)
(D) a-(iv), b-(ii), c-(i), d-(iii)

117. The case R. Vs. Dudley and Stephens is related to the defence of

(A) Insanity
(B) Intoxication
(C) Mistake of fact
(D) Necessity

118. Which of the following punishments cannot be awarded under the Indian Penal Code?

(A) Imprisonment for life
(B) Death sentence
(C) Transportation for life
(D) Forfeiture of property

119. A male teacher during examination, while conducting search, put his hands in the pocket of the pant of a girl candidate thinking her to be a boy. Here the teacher, under the IPC, has committed the offence under Section

(A) 354
(B) 323
(C) 509
(D) No offence

120. Assertion (A): Rape is a stigma on a woman, hence it is a punishable offence. Reason (R): Sexual intercourse by a man with his wife is not rape.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A)
(B) Both (A) and (R) are true but (R) is not the correct explanation of (A)
(C) (A) is correct, (R) is false
(D) (A) is false, (R) is correct

121. The provision that "no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try an offence punishable under Section 138" exists under

(A) Clause (b) of Section 142 of the Negotiable Instruments Act, 1881
(B) Clause (a) of Section 142 of the Negotiable Instruments Act, 1881
(C) Clause (c) of Section 142 of the Negotiable Instruments Act, 1881
(D) Section 143 of the Negotiable Instruments Act, 1881

122. Which Section of the Negotiable Instruments Act, 1881 excludes the defence that the "drawer had no reason to believe when he issued a cheque that it may be dishonoured on presentment for the reasons stated in Section 138 of the Act"?

(A) Section 138
(B) Section 139
(C) Section 140
(D) Section 141

123. In the trial of an offence under Section 138 of the Negotiable Instruments Act, 1881, the provisions of Sections 262 to 265 of the Code of Criminal Procedure

(A) Shall apply (Section 143)
(B) Shall not apply (Section 143)
(C) Sometimes shall apply (Section 143)
(D) None of the above

124. For the purpose of attracting the provisions of Section 138 of the Negotiable Instruments Act, 1881, a cheque must be presented to the bank

(A) Within a period of 3 months from the date on which it is drawn
(B) Within a period of 1 month from the date on which it is drawn
(C) Within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier
(D) Within a period of 15 days from the date on which it is drawn

125. Which provision of the Negotiable Instruments Act, 1881 provides that "where a person is nominated as a Director of a company by virtue of his holding any office or employment in the Central Government or the State Government, as the case may be, he shall not be held liable for an offence under Section 138 of the Act committed by a company"?

(A) Proviso (one) to Section 141(1)
(B) Proviso (two) to Section 141(1)
(C) Sub-section 2 of Section 141
(D) None of the above

126. Match List I (Chapters of H.P. Excise Act, 2011) with List II (Titles of Chapters): (a) Chapter VI (b) Chapter IX (c) Chapter IV (d) Chapter VII. List II: (i) Licenses, Permits and Passes (ii) Confiscation (iii) Appeal and Revision (iv) Offences and Penalties. Codes in the order (a) (b) (c) (d):

(A) (i) (ii) (iii) (iv)
(B) (iv) (iii) (ii) (i)
(C) (iii) (iv) (ii) (i)
(D) (ii) (i) (iv) (iii)

127. The imprisonment for employing any person below the age of 18 years in any Vend, Bar or other place where liquor or other intoxicants are stored or served, under Himachal Pradesh Excise Act, 2011 is

(A) upto 6 months
(B) upto one year
(C) upto 3 months
(D) upto two years

128. Match List I (Provisions of H.P. Excise Act, 2011) with List II (Sections of the Act). List I: a) Power to cancel or suspend licenses etc.; b) Surrender of licenses; c) Penalty for consuming liquor in public places; d) Prohibition of Import, Export or Transport of Liquor. List II: (i) Section 46; (ii) Section 29; (iii) Section 35; (iv) Section 21

(A) a-(ii), b-(iii), c-(i), d-(iv)
(B) a-(i), b-(ii), c-(iii), d-(iv)
(C) a-(iii), b-(iv), c-(ii), d-(i)
(D) a-(iv), b-(iii), c-(ii), d-(i)

129. The composition money of any offence as prescribed under section 66 of the H.P. Excise Act, 2011 is:

(A) Minimum Rupees Five Thousands and Maximum Rupees Twenty-Five Thousands
(B) Minimum Rupees Ten Thousands and Maximum Rupees Twenty-Five Thousands
(C) Minimum Rupees Five Thousands and Maximum Rupees Twenty Thousands
(D) Minimum Rupees Two Thousands and Maximum Rupees Twenty-Five Thousands

130. How much additional compensation can be awarded by a court under section 42 of the H.P. Excise Act, 2011, if any person dies due to consumption of liquor?

(A) Not less than One Lakh Rupees
(B) Not less than Two Lakh Rupees
(C) Not less than Three Lakh Rupees
(D) Not less than Five Lakh Rupees

131. The term "Livestock" under the Wild Life (Protection) Act, 1972 does not include

(A) Poultry
(B) Yaks
(C) Wild animals
(D) Mules

132. The Chairperson of the Central Zoo Authority shall hold office for such period

(A) Not exceeding two years
(B) Not exceeding three years
(C) Not exceeding five years
(D) Not exceeding four years

133. Chapter IV-A (containing Sections 38A to 38J) was inserted in the Wild Life (Protection) Act, 1972 by the

(A) Act 44 of 1991
(B) Act 26 of 1993
(C) Act 28 of 1986
(D) Act 16 of 2003

134. Which of the following sections of the Wild Life (Protection) Act, 1972 protects the actions of the officers or other employees of the Central Govt. or State Govt. taken in good faith?

(A) Section 59
(B) Section 60
(C) Section 60A
(D) Section 62

135. For which one of the following purposes may the Chief Wild Life Warden not grant to any person a permit to enter and reside in a sanctuary?

(A) Photography
(B) Study of wild life
(C) Collection of specimens
(D) Scientific research

136. The imprisonment for doing the prohibited acts in reserved forests under Section 26 of the Indian Forest Act, 1927 is up to

(A) One month
(B) Three months
(C) Six months
(D) One year

137. Match List I (Provisions under the Indian Forest Act, 1927) with List II (Relevant Sections of the Act). List I: a) Powers of forest settlement officers; b) Formation of village forests; c) Power to make rules for protected forests; d) Power to compound offences. List II: (i) Section 32; (ii) Section 68; (iii) Section 28; (iv) Section 8

(A) a-(i), b-(ii), c-(iii), d-(iv)
(B) a-(iv), b-(iii), c-(i), d-(ii)
(C) a-(iii), b-(i), c-(ii), d-(iv)
(D) a-(ii), b-(iv), c-(i), d-(iii)

138. Which of the following chapters of the Indian Forest Act, 1927 deals with "The control of timber and other forest produce in transit"?

(A) Chapter V
(B) Chapter IX
(C) Chapter VII
(D) Chapter VI

139. What is the term of imprisonment prescribed under Section 63 of the Indian Forest Act, 1927 for counterfeiting or defacing marks on trees and timber and for altering boundary marks?

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

140. Under Section 67 of the Indian Forest Act, 1927, who has the power to try summarily any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both?

(A) District Magistrate only
(B) Magistrate 1st Class specially empowered only
(C) Both (A) and (B)
(D) Neither (A) nor (B)

141. Point out the incorrect response under the Cr.P.C.

(A) Inquiry is conducted by a court
(B) Inquiry is conducted after framing the charge
(C) Inquiry is conducted prior to framing of charge
(D) Inquiry is conducted by a magistrate

142. Which of the following combinations are correctly matched? (1) Made by Magistrate : Investigation (2) Object is to collect evidence : Inquiry (3) Ordinarily second stage of a criminal case : Inquiry (4) It is not a judicial proceeding : Investigation

(A) (1) and (2)
(B) (2) and (3)
(C) (3) and (4)
(D) (2) and (4)

143. A Chief Judicial Magistrate may pass a sentence of imprisonment

(A) Not exceeding seven years
(B) Exceeding seven years
(C) For life
(D) Not exceeding three years

144. Point out the incorrect statement:

(A) In cognizable offence any police officer may, without an order from magistrate and without a warrant, arrest any person

(B) A private person may arrest or cause to be arrested any person committing a cognizable offence

(C) An executive magistrate may arrest the offender when any offence is committed in his presence and within his jurisdiction

(D) None of the above

145. A proclaimed person whose property has been attached can claim the property or the proceeds of the sale, on appearance

(A) Within six months

(B) Within two years

(C) Within three years

(D) Within one year

146. In a proceeding under Section 107 of the Cr.P.C., an Executive Magistrate may require a bond for keeping the peace to be executed for such period, not exceeding

(A) One year

(B) Two years

(C) Three years

(D) Six months

147. In which case was it held by the Hon'ble Supreme Court that a married daughter is also liable to maintain her parents?

(A) Vijaya Manohar Arbat Vs. Kashirao

(B) Savita Ben Vs. State of Gujarat

(C) Kritikant Vadodaria Vs. State of Gujarat

(D) N. B. Bhikshu Vs. State of A.P.

148. The power of the Supreme Court to transfer cases and appeals from one High Court to another High Court can be exercised on an application by which one of the following?

(A) Registrar of the High Court concerned

(B) Attorney General of India

(C) Chairman, Bar Council of India

(D) Solicitor General of India

149. Which Section of the Code of Criminal Procedure, 1973 deals with the power of the High Court to commute the sentence of death to life imprisonment in the case of a pregnant woman?

(A) Section 416

(B) Section 411

(C) Section 417

(D) Section 420

150. Match List I with List II. List I: a) Summary dismissal of appeal; b) Anticipatory bail; c) Abatement of appeals; d) Compounding of offences. List II: (i) Section 320 Cr.P.C.; (ii) Section 384 Cr.P.C.; (iii) Section 438 Cr.P.C.; (iv) Section 394 Cr.P.C.

(A) a-(ii), b-(iii), c-(iv), d-(i)

(B) a-(i), b-(ii), c-(iii), d-(iv)

(C) a-(ii), b-(iii), c-(i), d-(iv)

(D) a-(iii), b-(iv), c-(ii), d-(i)