Jharkhand Civil Judge (Mains) 2015 (Regular)

Paper I · compulsory paper

Law Paper I · Full Marks: 100 · Time: 3 Hours. The paper is divided into five Sections. Each Section has two questions of 20 marks, out of which the candidate must answer one question from each Section, compulsorily.

Section A

1. (a) What is meant by substantial question of law? Elaborate with reference to provisions and law relating to second appeal. Whether an additional evidence can be entertained by the high court in the second appeal? 15 Marks

(b) What is meant by inherent jurisdiction of civil court? 5 Marks

2. (a) "An error apparent on the face of record can be corrected in review proceedings". Elaborate. Whether a party can apply for a review in an exparte decree granted by the competent court? 10 Marks

(b) How will you decide that a suit is of a civil nature? Are the following suits of civil nature? (i) Right to take out religious procession (ii) Right to franchise. 10 Marks

Section B

3. (a) When a police officer can arrest a person without warrant? How such an arrest can be effected? 10 Marks

(b) Explain the following: 10 Marks

(i) Appeal against acquittal

(ii) Trial in the absence of the accused.

4. (a) Give a brief account of the procedure to be adapted regarding the dispute relating to immovable property. 10 Marks

(b) Mention special provisions under the Cr. P.C. in respect of arrest, search, investigation and medical examination of women. 10 Marks

Section C

5. (a) "Every person shall be liable to punishment under this code (I.P.C.) and not otherwise for every act or omission contrary to the provision there of which he shall be guilty, with in India". Discuss and state the exceptions to the rule, if any. 10 Marks

(b) Who is an abettor? Discuss the liability when an act is abetted and a different act is committed. 10 Marks

6. (a) On what grounds a person is said to make a false document? What offence does he commit thereby? When does men's signature of his own name amount to forgery? 10 Marks

(b) Mention the circumstances in which a person can plead intoxication as a defence. 10 Marks

Section D

7. (a) When are confessions relevant in evidence? 'A' an accused, is under arrest. He tells the investigating officer that he had burried the ear-rings of the deceased near 'pipal' tree. It is proved to be true on the accused taking the police officer and the 'panchas' to the place and pointing the place where they had been hidden. Is the statement of 'A' admissible in evidence against him? 10 Marks

(b) Who is an 'expert'? When are the opinions of third person relevant? What is the probative value of such evidence? What is the difference between an expert and an ordinary witness? 10 Marks

8. (a) What is the meaning of dying declaration? Is such a declaration admissible in evidence? If so, under what circumstances? 'A' who was hit by bullet, stated in the hospital in the presence of a magistrate that 'B' had fired at him. But 'A' did not die of the injury. Is the statement of 'A' made in the presence of the magistrate admissible in evidence against 'B'? Can it be of any other use? 10 Marks

(b) Explain the rules relating to hearsay evidence with exceptions, if any. 10 Marks

Section E

9. (a) "Every suit instituted, appeal preferred and application made after the prescribed period shall be dismissed". Discuss. 10 Marks

(b) R's watch was stolen by some unknown person on 1-1-1970. On 1-1-1975 R found the watch with Q who was bonafide purchaser of that watch. On 3-2-1975, R filed suit for recovery of watch against Q. Q contends that suit is time-barred, having been filed after expiry of prescribed period of three years from the accrual of cause of action. Decide citing case law. 10 Marks

10. (a) What are the rules regarding exclusion of prescribed period in legal proceedings? Discuss them in the light of Sections 12, 13 and 14 of the Limitation Act, 1963. 10 Marks

(b) How can a person acquire easement by prescription in accordance with the provisions of Section 25 of the Limitation Act, 1963? 10 Marks