# Jharkhand Civil Judge (Preliminary) 2015 (Regular)

Jharkhand Public Service Commission · Civil Judge (Junior Division) Preliminary Test (Advt. 10/2015, held 25.06.2016) · 100 questions

## Preliminary Examination

1. Which of the underlined parts of the given sentence contains an error?
One of my sister (A) lives (B) near the India Gate (C) in New Delhi (D)

(A) One of my sister
(B) lives
(C) near the India Gate
(D) in New Delhi

2. Fill in the blank with a suitable form of verb in the following:
My friend _____ living in Mumbai since 2014.

(A) is
(B) has been
(C) is being
(D) was being

3. Fill in the blank with an appropriate preposition.
They belong to the same party, but they don't agree _____ everything.

(A) in
(B) at
(C) on
(D) with

4. The word 'millenium' refers to a period of

(A) one hundred years
(B) one million years
(C) one thousand years
(D) ten thousand years

5. Fill in the blank with the suitable choice.
Delhi is _____ than Shimla in May.

(A) hot
(B) hotter
(C) more hot
(D) more hotter

6. Which of the following is similar in meaning of "that which cannot be read"?

(A) Illegitimate
(B) Illegal
(C) Illegible
(D) Illogical

7. Select the appropriate choice to fill in the blank in the sentence.
_____ tigers are ferocious.

(A) A
(B) The
(C) An
(D) No article is required.

8. Identify the type of sentence given below:
Can you lend me your pen, please?

(A) Declarative
(B) Operative
(C) Imperative
(D) Interrogative

9. An ophthalmologist treats the disorders of

(A) skin
(B) heart
(C) eye
(D) brain

10. The word "terrestrial" means connected with

(A) water
(B) land
(C) space
(D) air

11. Who appoints the Judges of High Courts of India?

(A) Prime Minister
(B) Chief Justice of India
(C) President of India
(D) Law Minister of India

12. The year of Quit India Movement is

(A) 1930
(B) 1940
(C) 1942
(D) 1947

13. Deficiency of which of the following Vitamins cause 'Night-blindness'?

(A) Vitamin B
(B) Vitamin A
(C) Vitamin C
(D) Vitamin D

14. One of the following gases is the cause of 'Greenhouse effect' (warming of the earth surface)

(A) Nitrogen oxide
(B) Nitrous oxide
(C) Carbon dioxide
(D) Carbon monoxide

15. The UNO was formed on

(A) 24th October, 1945
(B) 23rd October, 1945
(C) 24th October, 1944
(D) 22nd October, 1944

16. The American Journal 'Time' has chosen one of the following as 'the person of the year 2015':

(A) Angela Markel
(B) Barack Obama
(C) Narendra Modi
(D) Margaret Thatcher

17. Amaravati is being made new capital of which of the following state?

(A) Goa
(B) Andhra Pradesh
(C) Mizoram
(D) Chhattisgarh

18. Justice Meenakshi Madan Rai has been sworn in as the first woman judge of High Court of which of the following states?

(A) Sikkim
(B) Kerala
(C) Tamil Nadu
(D) Delhi

19. Who of the following is the writer of the book: 'Wings of Fire'?

(A) Sarojini Naidu
(B) A.P.J. Abdul Kalam
(C) Jagannath Pillai
(D) Amrita Pritam

20. Cristiano Ronaldo has recently been voted as a number one footballer. He hails from which of the following countries?

(A) Portugal
(B) Argentina
(C) Brazil
(D) Germany

21. A Magistrate has the power to direct the police to investigate into an offence in CrPC under

(A) Section 156 (3) Cr.PC
(B) Section 156 (2) Cr.PC
(C) Section 156 (1) Cr.PC
(D) All of the above

22. Under the scheme of Criminal Procedure Code non-cognizable offences are

(A) Private wrongs
(B) Public wrongs
(C) Both public and private wrongs
(D) None of the above

23. Under Section 159 of Cr.PC, the Magistrate has the power to

(A) Depute any Magistrate subordinate to him to hold a preliminary inquiry
(B) Direct investigation by the police
(C) Either (A) or (B)
(D) Only (B) and not (A)

24. Under Section 167 of Cr. PC the nature of custody can be altered from judicial custody to police custody and vice-versa, this alteration can be done

(A) During the period of first seven days
(B) During the period of first fifteen days
(C) During the period of first fourteen days
(D) During the period of first ten days

25. Cognizance of offence of defamation under Chapter XXI of IPC can be taken

(A) On a complaint made by an aggrieved person
(B) On a police report
(C) Suo motu
(D) All of the above

26. Joint trial of several persons is permissible

(A) Under Section 219 of Cr.PC
(B) Under Section 221 of Cr.PC
(C) Under Section 222 of Cr.PC
(D) Under Section 223 of Cr.PC

27. Rule autrefois acquit or autrefois convict is contained in

(A) Under Section 298 of Cr.PC
(B) Under Section 300 of Cr.PC
(C) Under Section 320 of Cr.PC
(D) Under Section 321 of Cr.PC

28. In which of the following cases the Supreme Court held that the High Court cannot directly entertain bail application of POTA accused without its refusal by special court?

(A) State of Gujarat v. Santosh Kumar
(B) State of Gujarat v. Shalimbhai Abdul Gaffar Shaikh
(C) State of Uttar Pradesh v. S.N. Srivastava
(D) State of Maharashtra v. S.K. Dhinde

29. 'A Legal Remembrancer cannot be made ex-officio public prosecutor.' This was held in

(A) State of Kerala v. Karveettil Krishnan
(B) V. Ramchandra v. M.C. Jagadhodhara
(C) Vijay v. State of Maharashtra
(D) None of the above

30. Urgent cases of Nuisance apprehended danger falls under

(A) Section 146 of Cr.PC
(B) Section 144 of Cr.PC
(C) Section 142 of Cr.PC
(D) Section 140 of Cr.PC

31. When Warrant also cannot be executed the court may proceed under

(A) Section 83 and 84 of Cr.PC
(B) Section 82 and 83 of Cr.PC
(C) Section 81 and 82 of Cr.PC
(D) Section 80 and 81 of Cr.PC

32. "Plea Bargaining" a new chapter was added in Criminal Procedure Code, 1973 by the Criminal Law Amendment Act, 2005 (2 of 2006) is contained in

(A) Section 265 A to 265 N
(B) Section 265 A to 265 M
(C) Section 265 A to 265 L
(D) Section 265 A to 265 E

33. A Magistrate may under Section 252 or Section 255 of Cr.PC convict the accused of any offence triable under

(A) Chapter XIX of Cr.PC
(B) Chapter XX of Cr.PC
(C) Chapter XXI of Cr.PC
(D) Chapter XV of Cr.PC

34. In which of the following cases the Supreme Court held that FIR was not substantive evidence and could only be used to corroborate its maker?

(A) Anil Kumar v. B.S. Neelakanta, AIR 2010 SC 2715
(B) Viveta Gazra v. State, AIR 2010 SC 2712
(C) Union of India v. A. Kumar, AIR 2010 SC 2735
(D) C. Magesh v. State of Karnataka, AIR 2010 SC 2768

35. In summons-cases and inquiries, memorandum is the only

(A) Record of witness
(B) Record of accused statement
(C) Record of evidence
(D) Record of all statements

36. If the accused is not acquitted under Section 232 of Cr. PC then the court calls upon him to enter on

(A) His defence
(B) His counsel
(C) His version
(D) His statement

37. In case of anticipatory breach of contract, an aggrieved party

(A) Has the right to claim performance at any time
(B) Cannot claim any remedy as performance is still executory
(C) May wait till the date of performance
(D) Does not have the right to terminate the contract

38. Which of the following statements is not correct?

(A) Acceptance must be communicated.
(B) Acceptance must be in writing.
(C) Oral acceptance is a valid acceptance.
(D) Acceptance must be in the prescribed manner.

39. The principle "Restitution stops where repayment begins" can be applied against

(A) An alien enemy only
(B) Any incapable person
(C) Lunatics and idiots only
(D) Minors only

40. Promissory estoppel is sometimes spoken of as a substitute for

(A) Quasi contract
(B) Consideration
(C) Coercion
(D) Novation

41. A change of nature of obligation of a contract is known as

(A) Alteration
(B) Repudiation
(C) Rescission
(D) Novation

42. A notice in the newspapers inviting tenders is

(A) An invitation for negotiation
(B) A promise
(C) An invitation to proposal
(D) A proposal

43. Examine the following statements:
1. Every contract is an agreement.
2. Every agreement is a contract.
3. Every lawful civil obligation is a contract.
4. Every contract has a legally enforceable civil obligation.
Which of these statements are correct?

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

44. Union of India v. Maddala Thathaiah is an illustration, where the tender was in the form of

(A) Public offer
(B) Standing offer
(C) Specific offer
(D) General offer

45. The rule laid down in Adams v. Lindsell was approved by the House of Lords in

(A) Dunlop v. Higgins
(B) Elliason v. Henshaw
(C) Powell v. Lee
(D) Hyde v. Wrench

46. Which one of the following agreements is held to be opposed to public policy?

(A) The arbitration clause for the application of foreign law
(B) Payment in foreign currency
(C) Agreement of payment of less salary
(D) Arbitrators residing in the foreign country

47. The facts of Griffith v. Brymere would attract Section 20 and facts of Krell v. Henry attract

(A) Section 20 of the Indian Contract Act, 1872
(B) Section 10 of the Indian Contract Act, 1872
(C) Section 12 of the Indian Contract Act, 1872
(D) Section 56 of the Indian Contract Act, 1872

48. The obligation to restore advantage in a void agreement is provided by

(A) Section 65 of the Indian Contract Act, 1872
(B) Section 60 of the Indian Contract Act, 1872
(C) Section 63 of the Indian Contract Act, 1872
(D) Section 68 of the Indian Contract Act, 1872

49. A continuing guarantee under Section 130 is

(A) Irrevocable absolutely
(B) Revocable as regards future transaction
(C) Revocable absolutely
(D) Either (A) or (B)

50. For the purpose of pledge, delivery of possession of goods

(A) May be symbolic
(B) Either actual or constructive
(C) May be constructive
(D) Has to be actual

51. A valid lease can be determined by

(A) Force majeure
(B) Frustration
(C) Efflux of time
(D) None of the above

52. There can also be _____ by estoppel

(A) Sale
(B) Ownership
(C) Fraud
(D) Possession

53. Causing of the death of child in the mother's womb is not homicide as provided under

(A) explanation V to Section 300
(B) explanation I to Section 299
(C) explanation II to Section 299
(D) explanation III to Section 299

54. Section 511 does not apply in case of

(A) attempt of riot
(B) attempt of theft
(C) attempt of affray
(D) attempt of murder

55. Assault cannot be caused by

(A) mere gestures
(B) mere words
(C) mere preparation
(D) All the above

56. Personating a public servant is an offence
(A) Under Section 186 of IPC
(B) Under Section 171 of IPC
(C) Under Section 170 of IPC
(D) Under Section 169 of IPC

57. The Supreme Court of India has observed a clear distinction between dishonestly and fraudulently in the case of
(A) Nathu Lal v. State of M. P.
(B) Central Bank of India v. Narain
(C) Mubarik Ali v. State of Bombay
(D) Vimla Devi v. Delhi Administration

58. The minimum duration of imprisonment provided for an offence under the Indian Penal Code is imprisonment for
(A) Twenty four hours under Section 511
(B) Twenty four hours under Section 510
(C) Sentence of 20 hours under Section 510
(D) Sentence of imprisonment till rising of the court under Section 511

59. The principle underlying in Section 95 of IPC is
(A) de minimis non curat lex
(B) Volenti non fit injuria
(C) Non compos mentis
(D) Actus me invito factus non est mens actus

60. Section 97 of IPC expressly states that the right of private defence is subject to the restrictions contained in
(A) Section 99 of IPC
(B) Section 100 of IPC
(C) Section 98 of IPC
(D) Section 102 of IPC

61. The language of Part third of Section 105 is similar to that of
(A) Section 39 of IPC
(B) Section 37 of IPC
(C) Section 38 of IPC
(D) Section 40 of IPC

62. Which of the following Sections of IPC has incorporated the English law known as principal in the Second degree?
(A) Section 114
(B) Section 112
(C) Section 110
(D) Section 109

63. The definition of criminal conspiracy in Section 120-A, IPC has been taken from that given in
(A) Mulchay v. Queen
(B) Quinn v. Leatham
(C) Abdul Rehman v. Emperor
(D) R v. Vincent

64. Homicide cannot be defined as killing of a person by a person in view of the nature of the definition of the word "person" in
(A) Section 13 of the Indian Penal Code
(B) Section 11 of the Indian Penal Code
(C) Section 9 of the Indian Penal Code
(D) Section 7 of the Indian Penal Code

65. The requirement of possession has been highlighted by illustrations
(A) (a), (b), (c) and (d) in Section 378 of IPC
(B) (b), (c), (d) and (e) in Section 378 of IPC
(C) (c), (d), (e) and (f) in Section 378 of IPC
(D) (d), (e), (f) and (g) in Section 378 of IPC

66. Theft under Indian Penal Code differs from larceny in English Law which contemplated
(A) Permanent gain and loss
(B) Loss of property
(C) Moving of property
(D) Denying the owner of his property

67. 'A' instigates 'B' to murder 'C' who refuses to do so. 'A' is guilty of
(A) Abetment to commit murder
(B) No offence
(C) Criminal conspiracy
(D) Criminal instigation

68. Which one of the following brings out the distinction between Section 34 and 149 of the IPC?
(A) Section 149 creates a specific offence whereas Section 34 does not
(B) Section 34 creates a specific offence whereas Section 149 does not
(C) Section 34 as well as Section 149 create specific offences
(D) Section 34 as well as Section 149 do not create specific offences

69. The Code of Civil Procedure (Amendment) Act, 2002 permits evidence in the form of
(A) Petition
(B) Affidavits
(C) Statements
(D) Documents

70. It has been held by the Supreme Court in R.M. Malkani v. State of Maharashtra that a contemporaneous tape-record of a relevant conversation is a relevant fact. It is

(A) relevant
(B) res gestae
(C) admissible
(D) documents

71. Section 11 of the Indian Evidence Act enables a person charged with a crime to take what is commonly called the plea of

(A) res gestae
(B) lis pendens
(C) alibi
(D) res judicata

72. A judicial admission operates as

(A) an admission
(B) a confession
(C) a plea of ignorance
(D) a waiver of proof

73. The burden of proof means the obligation to prove a fact. This is defined under

(A) Section 201 of the Indian Evidence Act
(B) Section 101 of the Indian Evidence Act
(C) Section 200 of the Indian Evidence Act
(D) Section 100 of the Indian Evidence Act

74. The principle stated in Section 106 of the Indian Evidence Act is an application of the principle of

(A) res gestae
(B) res ipsa loquitur
(C) res judicata
(D) res sic stantibus

75. Leading questions can always be asked

(A) in second examination
(B) in re-examination
(C) in cross-examination
(D) in first examination

76. Alibi is governed by

(A) Section 8 of Evidence Act
(B) Section 6 of Evidence Act
(C) Section 11 of Evidence Act
(D) Section 12 of Evidence Act

77. Admissions made by a party are evidence against

(A) Privies in estate
(B) Privies in law
(C) Privies in blood
(D) All the above

78. Communication made 'without prejudice' are protected

(A) Under Section 21 of Evidence Act
(B) Under Section 24 of Evidence Act
(C) Under Section 23 of Evidence Act
(D) Under Section 22 of Evidence Act

79. "Necessity rule" as to the admissibility of evidence is contained in

(A) Section 61 of Evidence Act
(B) Section 60 of Evidence Act
(C) Section 32 of Evidence Act
(D) Section 31 of Evidence Act

80. The res inter alia acta is receivable

(A) Under Section 48 of Evidence Act
(B) Under Section 47 of Evidence Act
(C) Under Section 46 of Evidence Act
(D) Under Section 45 of Evidence Act

81. Section 92 of Evidence Act applies to

(A) Bilateral documents
(B) Unilateral documents
(C) Both (A) and (B)
(D) Either (A) or (B)

82. Estoppel

(A) Need not be specifically pleaded
(B) Should be specifically pleaded
(C) May be specifically pleaded or may not be specifically pleaded
(D) Both (B) & (C) are correct

83. Zahira Sheikh was prime witness in

(A) Best Bakery retrial case (2006)
(B) Best Bakery case (2004)
(C) Sukh Ram disproportionate assets case (2005)
(D) Gujjar Killings case (2003)

84. The presumption under Section 41 of Evidence Act is a

(A) Presumption of fact
(B) Rebuttable presumption of law
(C) Presumption of fact & law
(D) Irrebuttable presumption of law

85. Pecuniary jurisdiction of the court has been dealt with in
(A) Section 6 of CPC
(B) Section 5 of CPC
(C) Section 4 of CPC
(D) Section 3 of CPC

86. Section 20 of CPC does not apply to
(A) Arbitration proceedings
(B) Civil proceedings
(C) Both (A) & (B)
(D) Neither (A) nor (B)

87. Under Order IV, Rule 1, sub-rule (1) of CPC, a suit is instituted when
(A) a plaint in duplicate is presented to the court
(B) a plaint is presented to the court
(C) a plaint in triplicate is presented to the court
(D) either (A) or (B) or (C)

88. A suit in representative capacity can be filed by virtue of
(A) under Order I, Rule 8A of CPC
(B) under Order I, Rule 10A of CPC
(C) under Order I, Rule 8 of CPC
(D) under Order I, Rule 9 of CPC

89. List of witness, after settlement of issues, must be filed within
(A) 60 days
(B) 45 days
(C) 30 days
(D) 15 days

90. 'Pleading' can be altered or amended
(A) under Order VI, Rule 9 of CPC
(B) under Order VI, Rule 10 of CPC
(C) under Order VI, Rule 16 of CPC
(D) under Order VI, Rule 17 of CPC

91. A suit can be dismissed in default
(A) under Order IX, Rule 2 of CPC
(B) under Order IX, Rule 3 of CPC
(C) under Order IX, Rule 8 of CPC
(D) both (B) & (C)

92. An application under Order IX, Rule 7 of CPC can be made
(A) within 60 days of the Order
(B) within 30 days of the Order
(C) at any time on or before the next date of hearing
(D) any time during the pendency of the suit

93. Judgment on admission can be given
(A) under Order XII, Rule 2 of CPC
(B) under Order XIII, Rule 4 of CPC
(C) under Order XII, Rule 6 of CPC
(D) under Order XII, Rule 8 of CPC

94. Judgment & decree have been dealt in CPC
(A) under Order XX
(B) under Order XXI
(C) under Order XX-A
(D) under Order XIX

95. Provisions relating to interpleader suit are contained in
(A) Order XXXVI of CPC
(B) Order XXII of CPC
(C) Order XXXIV of CPC
(D) Order XXXV of CPC

96. Order XII, Rule 8 of CPC pertains to
(A) notice to admit facts
(B) notice to admit documents
(C) notice to produce documents
(D) both (A) and (B)

97. Under which section of CPC the principles of equity justice and good conscience are prescribed?
(A) Section 121
(B) Section 131
(C) Section 141
(D) Section 151

98. Which of the following decisions is not a decree within the meaning of Section 2(2) of CPC?
(A) Dismissal of an application for final decree
(B) Award of tribunal in land acquisition case
(C) An order of abatement
(D) Order modifying a scheme under Section 92

99. Which of the following is a suit of civil nature?
(A) Suits for upholding mere dignity or honour
(B) Suits for accounts
(C) Suits expressly barred by some enactment
(D) Suits relating to political questions

100. The material facts on which a party relies are called
(A) facta probantia
(B) facta probanda
(C) falsa demonstratio non nocet
(D) fons et origo