Jharkhand Civil Judge (Preliminary) 2018

Jharkhand Public Service Commission · Civil Judge (Junior Division) Preliminary Examination (Advt. 12/2018, held 27 May 2019) · 100 questions

Preliminary Examination

1. Choose the correct meaning of the underlined phrasal verb in the following sentence :
"His evidence beans out the testimony of the accused."
(A) Corroborates
(B) Falsifies
(C) Does not support
(D) Contradicts

2. Choose the correct spelling.
(A) Enciclopaedia
(B) Encyclopaedia
(C) Ancyclopedia
(D) Incyklopedia

3. Which word is a personification in this sentence?
"Death lays its icy hands on Kings and Paupers alike."
(A) Hands
(B) Kings
(C) Death
(D) Paupers

4. Choose the word closest in meaning to the underlined word in the sentence :
"I sat next to a distinguished writer."
(A) Different
(B) Eminent
(C) Common
(D) Unknown

5. Choose the correct indirect form of the following sentence :
He said to me, "Let us have some tea".
(A) He said me to have some tea.
(B) He proposed to me that we should have some tea.
(C) He told me to have some tea.
(D) He asked to have some tea.

6. Choose the tense form of the following sentence :
"The patient had died when the doctor arrived."
(A) Past Tense
(B) Present Perfect Tense
(C) Past Perfect Tense
(D) Past Perfect Continuous Tense

7. Orthopaedics is the branch of medicine concerned with
(A) the study of human skin
(B) the study of human nervous system
(C) the study of human bones and muscles
(D) the study of eyes and ears

8. The word most opposite in meaning to the word "amateur" is
(A) professional
(B) unskilled
(C) clumsy
(D) talented

9. Choose the correct meaning of the underlined word in the following sentence :
"Trespassers will be prosecuted."
(A) Harassed
(B) Punished unjustly
(C) Legal action will be taken against them
(D) Oppressed

10. Choose the correct meaning of the underlined idiomatic phrase in the following sentence :
"He was sent off on a wild goose chase to look for buried treasure."
(A) Foolish unprofitable venture
(B) Profitable adventure
(C) Bird hunting
(D) Treasure hunting

11. According to 2011 Census which of the following is least populous State of India?
(A) Mizoram
(B) Sikkim
(C) Arunachal Pradesh
(D) Goa

12. Which one of the following is a 'Tiger Reserve' of Jharkhand?
(A) Betla
(B) Hazaribagh
(C) Palamu
(D) Dalma

13. Which one of the following classical dance forms is mainly associated with Andhra Pradesh?

(A) Bharatnatyam
(B) Kathakali
(C) Kuchipudi
(D) Mohiniyattam

14. Under GST taxation framework, CGST means

(A) Customs Goods and Service Tax
(B) Central Goods and Service Tax
(C) Combined Goods and Service Tax
(D) None of the above

15. Which of the following is a National Monument of India?

(A) Red Fort
(B) India Gate
(C) Rashtrapati Bhawan
(D) Qutub Minar

16. Which one of the following Indian cities is known by the nickname of 'Deccan Queen'?

(A) Bengaluru
(B) Pune
(C) Hyderabad
(D) Chennai

17. Who among the following is the first woman Chief Minister in post-Independence period in India?

(A) Nandini Satpathy
(B) Shashikala Kadokar
(C) Sucheta Kriplani
(D) Syeda Anwara Taimur

18. Who among the following is the first Chief Election Commissioner of post-Independence India?

(A) K. V. K. Sundaram
(B) Sukumar Sen
(C) S. P. Sen Verma
(D) Dr. Nagendra Singh

19. Which of the following is/are the official language(s) of the International Court of Justice (ICJ) at the Hague?

(A) English and Dutch
(B) English and German
(C) Only English
(D) English and French

20. 'International Yoga Day' is celebrated on

(A) 5th June
(B) 8th March
(C) 21st June
(D) 1st July

21. A deposits a box of gold coins with B as his agent. He then writes to C for the purpose of making the gold coins a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied and C alleges the contrary. Both claim the gold coins from B. B may institute an interpleader suit against

(A) A
(B) C
(C) None
(D) A and C

22. A foreign judgement

(A) can never be conclusive
(B) can be conclusive as to any matter indirectly adjudicated upon between the same parties
(C) can be conclusive as to any matter directly adjudicated upon between the same parties if it has not been pronounced by a court of competent jurisdiction
(D) can be conclusive as to any matter directly adjudicated upon between the same parties if it has been pronounced by a court of competent jurisdiction

23. A, a bank officer, got compulsorily retired in 2014. Since the bank authorities did not release the leave encashment in his favour, he filed writ petition WP 2001 (W) of 2017 in Ranchi High Court for the same and also for the interest on the unpaid amount. The writ petition was disposed of by a learned Single Judge in December 2018 directing the bank to release the privileged leave encashment benefits to the petitioner to the extent he was entitled to in accordance with law within a certain period. The prayer for interest was not specifically denied by the court. The bank filed an appeal against the order. The Division Bench of Ranchi High Court in February, 2019 declined to admit the appeal. The bank authorities released the leave encashment in favour of the petitioner. However, A files a writ petition again for a direction to the bank to disburse interest to A at the rate of 18% per annum on leave encashment released by the bank. This petition is covered under which of the following?

(A) Section II, CPC
(B) Section II, Expl. 5, CPC
(C) Section II, Expl. 4, CPC
(D) Order 2, Rule 2, CPC

24. On the reversal of decree, which section imposes an obligation on the party to the suit who received an unjust benefit of the erroneous decree to make restitution to the other party for what he has lost?

(A) Section 141, CPC
(B) Section 142, CPC
(C) Section 143, CPC
(D) Section 144, CPC

25. Interveners are

(A) entitled to be impleaded
(B) not entitled to be impleaded
(C) a waste of time for the court
(D) a burden for the plaintiff

26. Suit for recovery of money in promissory notes can be filed

(A) under normal procedure
(B) under summary procedure as laid down in Order 37, CPC
(C) in the High Court
(D) as a writ petition

27. Inherent powers of the Civil Court are exercised

(A) to make such orders as may be necessary for the ends of justice
(B) to make such orders as may be necessary to prevent abuse of the process of the court
(C) Both (A) & (B)
(D) None of the above

28. In the case of public nuisance, a suit for declaration and injunction may be instituted by

(A) two persons with the leave of the court
(B) two persons having obtained oral consent of the Advocate General
(C) two persons having obtained the written consent of the Advocate General and with the leave of the court
(D) two persons to whom no special damage has been caused by persons of such public nuisance

29. Section 20 of CPC does not apply to

(A) arbitration proceedings
(B) civil proceedings
(C) Both (A) & (B)
(D) Neither (A) nor (B)

30. 'Pleading' can be altered or amended

(A) under Order VI, Rule 9, CPC
(B) under Order VI, Rule 10, CPC
(C) under Order VI, Rule 16, CPC
(D) under Order VI, Rule 17, CPC

31. A defendant can pray to the court for rejection of a plaint

(A) if the stamp writing is not clear
(B) if it is barred by another enactment of the Parliament
(C) if the plaint is made in a foreign language
(D) None of the above

32. Where the local limits of jurisdiction of courts are uncertain, the place of institution of suit shall be decided according to

(A) Section 17, CPC
(B) Section 18, CPC
(C) Section 19, CPC
(D) Section 20, CPC

33. In the execution of a decree for the maintenance, salary of a person can be attached to the extent of

(A) 1/4th
(B) 1/3rd
(C) 2/3rd
(D) 1/2th

34. A foreign government
(A) cannot be sued
(B) can be sued without any restriction on the powers of civil courts
(C) can be sued with the restriction that the oral consent of the Central Government is communicated to the court
(D) can be sued with the condition that the certificate of consent is issued by the secretary to the Central Government in writing

35. Which of the following is ***not*** a sufficient cause for granting adjournment ?
(A) Sickness of a party, his witness or his counsel
(B) Non-examination of a witness present in the court
(C) Reasonable time for preparation of a case
(D) Non-service of summons

36. The Criminal Procedure Code, 1973 was last amended on
(A) 1 August, 2018
(B) 6 August, 2018
(C) 11 August, 2018
(D) 16 August, 2018

37. The Criminal Procedure Code, 1973 contains
(A) 451 Sections
(B) 461 Sections
(C) 481 Sections
(D) 484 Sections

38. The First Information Report can be quashed by the High Court on the ground of
(A) parties having arrived at the settlement and no heinous offence was committed according to the charge-sheet
(B) parties having arrived at the settlement and heinous offence was committed according to the charge-sheet
(C) parties having arrived at the settlement and serious financial fraud was committed according to the charge-sheet
(D) without any ground

39. A Magistrate may dispense with personal attendance of accused under
(A) Section 204, CrPC
(B) Section 205, CrPC
(C) Section 206, CrPC
(D) Section 207, CrPC

40. If the evidence is available about a person who appears to have committed an offence but his name is not mentioned in the charge-sheet as accused
(A) his name can be added by the Judicial Magistrate / Sessions Court
(B) his name cannot be added at this stage
(C) his name can be added by the High Court
(D) his name can be added by the Supreme Court

41. Which of the following statements is correct ?
(A) A police officer has the power to require attendance of witnesses under the age of 15 years before himself.
(B) A police officer has the power to require attendance of a woman witness before himself.
(C) A police officer has the power to require attendance of witnesses above the age of 65 years before himself.
(D) A police officer does not have the power to require attendance of witnesses who are mentally challenged before himself.

42. When the inquiry or trial relates to an offence committed under Section 376, CrPC, the inquiry or trial shall be concluded within a period of
(A) 4 weeks after the filing of charge-sheet
(B) 8 weeks after the filing of charge-sheet
(C) 2 months after the filing of charge-sheet
(D) 4 months after the filing of charge-sheet

43. Rule *autrefois acquit* or *autrefois convict* is contained in
(A) Section 298, CrPC
(B) Section 300, CrPC
(C) Section 320, CrPC
(D) Section 321, CrPC

44. Every person is under an obligation to give information about the commission of the offence to the nearest Magistrate or police officer for
(A) Offences in Sections 115-120
(B) Offences in Sections 121-126
(C) Offences in Sections 127-132
(D) Offences in Sections 132-140

45. Which section of the CrPC involves the reciprocal arrangements to be made by the Central Government with the foreign governments through a treaty with regard to the service of summons/warrants/judicial process?

(A) Section 100
(B) Section 103
(C) Section 105 A
(D) Section 104 A

46. A woman can claim maintenance from her husband

(A) if she lives in adultery
(B) if she refuses to live with her husband
(C) if she lives separately by mutual consent
(D) if she is neglected

47. A Magistrate can

(A) ignore the cunclusion reached at by the investigating officer (IO) and apply his mind independently
(B) not ignore the conclusions reached at by the IO and apply his mind independently
(C) ignore the conclusions reached at by the IO and apply his mind independently only upon statements of witnesses recorded by the police in case diary and material collected during investigation
(D) not ignore the conclusious reached by the IO under any circumstances

48. A statement made by any person to a police officer in the course of an investigation

(A) cannot be used for any purpose
(B) can be used in favour of that person
(C) can be used against that person
(D) cannot be used for any purpose except for the purpose of contradicting a witness

49. When the court of session passes a sentence of death, then

(A) the proceedings are submitted to the High Court and death sentence is executed
(B) the proceedings are submitted to the High Court and death sentence is executed only after the confirmation by the High Court
(C) the proceedings are not needed to be submitted to the High Court
(D) it exceeds its powers

50. Anticipatory bail is granted by the High Court or Court of Session

(A) in anticipation of arrest in non-bailable cases
(B) in anticipation of arrest in bailable cases
(C) by passing the regular court which had to try the offender
(D) in ordinary circumstances

51. The maxim *quando lex aliquid alicui concedit, concedere vedetur id sine quores ipsa esse non potest* is enshrined in

(A) Section 480, CrPC
(B) Section 481, CrPC
(C) Section 482, CrPC
(D) Section 483, CrPC

52. Opinion of handwriting expert under the law of evidence in India is

(A) not relevant
(B) relevant and is sole determinant of genuineness of document
(C) relevant but not sole determinant of genuineness of document
(D) not clear

53. Under Section 90 of Indian Evidence Act regarding presumption as to old documents 30 years old, the relevant date of computation of that document in court is

(A) date of production of document in court
(B) date of initiation of proceedings in which document is produced
(C) date of oral evidence by a witness
(D) date of start of hearing

54. Tape-recorded conversation is admissible in evidence if

(A) conversation is very important
(B) conversation can save the culprit
(C) conversation is relevant to the matters in issue but the voice is unidentified
(D) conversation is relevant to the matters in issue and the voice is identified

55. The evidence relating to conspiracy is
(A) common motive of the conspirators and any act done in pursuance of it
(B) common intention of the conspirators and anything in writing in pursuance of it
(C) common intention of the conspirators and anything said, done, written by any of them in furtherance of that intention
(D) common motive of the conspirators and the statement of a witness

56. Test Identification Parade is
(A) substantive evidence
(B) corroborative evidence
(C) no evidence
(D) hearsay evidence

57. The presumption under Section 114A, Indian Evidence Act, is a/an
(A) rebuttable presumption
(B) presumption of fact
(C) mixed presumption of law and fact
(D) irrebuttable presumption of law

58. Which Sections of the Indian Evidence Act deal with the proof of customary practices?
(A) Sections 34, 46 and 47
(B) Sections 33, 45 and 48
(C) Sections 35, 47 and 49
(D) Sections 35, 48 and 49

59. The Court shall not take judicial notice of
(A) geographical divisions of the world
(B) public festivals notified in the official gazette
(C) national flag of a foreign country recognized by the Government of India
(D) an officer's signature whose appointment is not notified in an official gazette

60. The contents of a document may be proved
(A) by primary evidence only
(B) by secondary evidence only
(C) neither by primary nor by secondary evidence
(D) either by primary or by secondary evidence

61. A agrees, in writing, to sell a horse to B for "₹ 1000 or ₹ 1500".
(A) Evidence cannot be given to show which price was to be paid for sale
(B) Evidence can be given to show which price was to be paid for sale
(C) Evidence cannot be given to show the average of the sale prices
(D) Evidence can be given to show the average of the sale prices

62. A public officer
(A) cannot be compelled to disclose communications made to him in official confidence if he does not consider that the public interests would suffer by the disclosure
(B) cannot be compelled to disclose communications made to him officially if he considers that the public interests would suffer by the disclosure
(C) can be compelled to disclose communications made to him officially if he does not consider that the public interests would suffer by the disclosure
(D) can be compelled to disclose communications made to him officially if he considers that the public interests would suffer by the disclosure

63. An accomplice
(A) is not a competent witness against an accused person
(B) is a competent witness against accused person
(C) must be corroborated in that case
(D) must be prosecuted

64. Examination-in-chief means
(A) examination of a witness by adverse party
(B) examination of a witness by Chief Judicial Magistrate
(C) examination of a witness by Chief Superintendant of Police
(D) examination of a witness by the party who calls him

65. A Judge in India

(A) is not empowered to put questions on his own to the witnesses or to the parties

(B) is empowered to put questions on his own to the witnesses or to the parties according to his sweet will

(C) is empowered to put questions on his own to the witnesses or to the parties in order to discover or to obtain proper proof of relevant facts

(D) is not empowered to put questions on his own to the witnesses or to the parties as India follows common law doctrines

66. The difference between Section 34 and Section 149 of Indian Penal Code is

(A) that in Section 34, there must be at least five persons, whereas Section 149 requires only two persons

(B) that Section 149 is only a rule of evidence, whereas Section 34 creates a specific offence and provides for its punishment

(C) that Section 34 requires active participation in action, whereas Section 149 requires mere passive membership of the unlawful assembly

(D) that Section 34 need not be joined with the principal offence, whereas Section 149 must be combined with the principal offence

67. A takes a girl out of the custody of her lawful guardians. Which of the following statements is a complete defence if A is charged under Section 361 of the IPC for kidnapping on the ground that the girl was below the age of 18 years when taken away?

(A) The girl was a student in a college and could understand what was right or wrong for her.

(B) The girl was maltreated by the guardians and A promised her a better life.

(C) The girl looked more than 18 years of age and the accused had satisfied himself that she was more than 18 years of age.

(D) None of the above

68. Y picks X's pocket. Next day, X while buying 'paan' near his office finds Y paying money from X's purse. X catches hold of Y and tries to take back his purse. Y resists. X twists Y's arm with such force that it is broken. X is charged with causing hurt to Y. X can

(A) say that he was acting under right of private defence of property

(B) not raise the plea of right of private defence since he had time to seek the help of public authorities

(C) say that his right of private defence was revived as soon as he saw Y with his purse

(D) say that he did not use more force than was required

69. Consider the following statements :

1. A person is not guilty of dacoity unless he has committed, attempted to commit or aided in committing robbery.

2. When two persons conjointly commit robbery, every person so committing robbery is said to commit robbery.

Of the above statements

(A) 1 and 2 are true

(B) 1 and 2 are false

(C) 1 is true but 2 is false

(D) 1 is false but 2 is true

70. Under which of the following situations would the Indian courts have jurisdiction?

1. Crime committed by an Indian in a foreign country

2. Crime committed by a foreigner in India

3. Crime committed by a person on an Indian ship

Select the correct answer using the codes given below.

Codes:

(A) 1 and 2

(B) 1 and 3

(C) 2 only

(D) 1, 2 and 3

71. If *actus non facit reum nisi mens sit rea* is a cardinal principle of criminal law, then which one of the following statements correctly reflects the above principle?

(A) Mens rea is an essential element of a crime and there cannot be a crime without mens rea.
(B) Criminal liablity under Indian law always implies mens rea.
(C) To constitute a crime, there must be actus reas and mens rea.
(D) Actus reas is not always necessary to constitute a crime.

72. A having delivered money to his servant to carry to a distant place disguises himself and robs the servant on the highway with an intent to charge him. A commits the offence of

(A) theft
(B) extortion
(C) robbery
(D) criminal breach of trust

73. X with a view to murder Y enters Y's bedroom at night when Y is out of station. X is guilty of

(A) murder
(B) house-trespass
(C) attempt to murder
(D) no offence

74. Which one of the following is sufficient to prove the offence of sedition?

(A) Comments expressing disapproval of the policies of the Government with a view to obtain a change in policies by lawful means
(B) Proof of disloyalty or ill feelings
(C) Comments expressing disapproval of the administrative action even though these do not excite hatred or disloyalty
(D) Exciting disaffection towards the Government

75. Which one of the following conclusions can be drawn from the maxim *de minimis non-curat lex*?

(A) Necessity knows no law
(B) Nothing is an offence done by a child under 7 years of age
(C) Every person is liable for his own acts
(D) Trifling acts do not constitute an offence

76. Which one of the following cases pertains to the misuse of Section 498 A, IPC?

(A) Naresh Kumar Vs. State of Himachal Pradesh
AIR 2017 SC 3859
(B) Preeti Gupta Vs. State of Jharkhand
AIR 2010 SC 3363
(C) Rajendra Paswan Vs. State of Jharkhand & Others
AIR 2017 Jhar 123
(D) Z Vs. State of Bihar
AIR 2017 SC 3908

77. Which one of the following cases pertains to the constitutionality of Section 377, IPC?

(A) Vishakha Vs. State of Rajasthan
AIR 1997 SC 3011
(B) Pratim alias Peter Mukherjee Vs. Union of India
AIR 2018 BOM 224
(C) Navtej Singh Johar Vs. Union of India
AIR 2018 SC 4321
(D) Jasmeet Kaur Vs. Navtej Singh
AIR 2018 SC (Supp.) 898

78. Which one of the following cases pertains to the constitutionality of Section 497 IPC?

(A) Joseph Shine Vs. Union of India
AIR 2018 SC 4321
(B) Sakshi Vs. Union of India
AIR 2004 SC 3566
(C) Common Cause Vs. Union of India
AIR 2018 SC 4998
(D) Social Action Forum for Manav Adhikar Vs. Union of India
AIR 2018 SC 4135

79. Which one of the following cases refers to 'Conspiracy' under Section 27 of Indian Evidence Act ?

(A) Pulukuri Kottaya Vs. Emperor
AIR 1947 PC 67
(B) Bishwanath Prasad Vs. Dwarka Prasad
AIR 1974 SC 117
(C) Jayantibhai Bhenkarbhai Vs. State of Gujarat
AIR 2002 SC 165
(D) Mohd Khalid Vs. State of West Bengal
AIR 2002 SC 334

80. Under which Section of CrPC, a person who is avoiding execution of a warrant may be proclaimed absconder?
(A) Section 81
(B) Section 83
(C) Section 82
(D) Section 84

81. 'Offer' or 'Proposal' is defined in Indian Contract Act in
(A) Section 2(a)
(B) Section 2(b)
(C) Section 2(d)
(D) Section 2(e)

82. An agreement not enforceable by law is
(A) valid
(B) invalid
(C) void
(D) voidable

83. The communication of a proposal is complete when it comes to the
(A) hands of the person to whom it is made
(B) knowledge of the person to whom it is made
(C) office of the person to whom it is made
(D) residence of the person to whom it is made

84. Which statement is ***not*** true?
(A) A proposal is revoked by the communication of notice of revocation by the proposer to the other party.
(B) A proposal is revoked by the lapse of time prescribed in such proposal for its acceptance.
(C) A proposal is revoked by the lapse of reasonable time, if no time is prescribed.
(D) A proposal is revoked by not meeting at the time prescribed.

85. The acceptance must be
(A) received within a week
(B) received within a fortnight
(C) absolute and unqualified
(D) absolute and qualified

86. Who is competent to contract?
(A) Person of unsound mind
(B) Person who has not attained majority
(C) Person who has been disqualified from contracting by the Court
(D) Person who has been debarred from contesting any elections

87. 'Consent' is said to be free when it is caused by
(A) coercion of the will of the parties
(B) fraud
(C) mistake
(D) voluntary will of the parties

88. Two or more persons are said to consent when
(A) they agree
(B) they agree upon the same thing
(C) they agree upon the same thing in the same sense
(D) they agree upon the same thing in the same sense at the given location

89. When consent to an agreement is caused by coercion, the agreement is
(A) valid contract
(B) voidable contract
(C) void contract
(D) invalid contract

90. An agreement is void
(A) if the consideration is unlawful in part
(B) if the consideration is not provided by the parties
(C) if the consideration is to be given in future
(D) if the consideration is paid in the past

91. An agreement in restraint of marriage is
(A) valid
(B) void
(C) voidable
(D) totally unacceptable

92. A contracts to pay B a sum of ₹ 20,000 if B's house is burnt. This is
(A) contract of wager
(B) contingent contract
(C) contract of uncertainty
(D) None of the above

93. A agrees to pay B a sum of ₹ 5,000 if two straight lines should enclose a space. The agreement is
(A) void
(B) voidable
(C) valid
(D) unethical

94. A and B make a contract grounded on the erroneous belief that a particular debt is barred by the Indian Law of Limitations. This contract is

(A) void
(B) voidable
(C) illegal
(D) opposed to public policy

95. A, who is B's 'mukhtar', promises to exercise his influence, as such, with B in favour of C, and C promises to pay ₹ 20,000 to A. The agreement

(A) voidable because it is immoral
(B) void because it is immoral
(C) opposed to public policy
(D) void because consideration is unlawful

96. A pays ₹ 10,000 to B for manufacturing a machine. When it is partly manufactured, the contract is discharged by frustration. What is the remedy available to parties?

(A) A can recover ₹ 10,000 from B
(B) A need not pay any further amount to B
(C) B can retain ₹ 10,000
(D) B is entitled only to expenses incurred before the time of discharge

97. Liquidated damage is essentially a

(A) payment of money stipulated as a warning to the offending party
(B) payment of compensation determined by the court
(C) compensation arbitrarily determined by the aggrieved party
(D) genuine covenanted pre-estimate of damage

98. Where there is a breach of contract, special damages are awarded

(A) in all cases
(B) only when there are special circumstances
(C) only when there is a special loss
(D) only when there is a notice of the likely special loss

99. Match List - I with List - II and select the correct answer using the codes given below the lists :

List I List II
a. Carlill Vs. Carbolic Smoke Ball Co. 1. Offers at large
b. Fisher Vs. Bell 2. Invitation to treat
c. Tinn Vs. Hoffman & Co 3. Quotation of price
d. Harvey Vs. Facey 4. Cross offers
Codes: a, b, c, d

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

100. Madhukant Pathak Vs. The State of Jharkhand through Vigilance (ACB) was decided by Jharkhand High Court in July 2017 and it pertains to

(A) voidable contract
(B) tender
(C) void contract
(D) illegal contract