Jharkhand Civil Judge Prelims 2024: Solution

JPSC · Civil Judge (Junior Division) Preliminary Examination (Advt. 22/2023, held 10 March 2024) · 100 questions with explained answers

Preliminary Examination

1. What is the most appropriate indirect form of the following? She said to me, "Please give me your book."

(A) She asked if I could give a book.
(B) She requested me to give her my book.
(C) She ordered me for my book.
(D) She enquired if I could give her the book.

Answer: (B) She requested me to give her my book.

Direct speech with "Please" is a polite request, so the reporting verb should be "requested" (not "ordered" or "asked if"), and the pronouns shift: "your book" becomes "her book". Option (B) keeps the request, the person and the possessive correct. The others turn it into an enquiry or an order, or drop the possessive, and so change the meaning.

2. Choose the word closest in meaning to the underlined word in the sentence. A horrible conviction darted through Ramesh.

(A) Dawdle
(B) Floated
(C) Fly
(D) Flicked

Answer: (D) Flicked

To dart is to move suddenly and swiftly, so a conviction "darted through" Ramesh when it flashed across his mind in an instant. "Flicked" carries that sense of a quick, light movement. "Dawdle" means to move slowly, "floated" suggests drifting gently, and "fly" is too general and does not capture the sudden flash of a feeling.

3. Name the type of pronoun that the following sentence has used in the underlined word I am the girl who has won the gold medal.

(A) Possessive pronoun
(B) Personal pronoun
(C) Relative pronoun
(D) Reflexive pronoun

Answer: (C) Relative pronoun

In "I am the girl who has won the gold medal", the word "who" refers back to "the girl" and joins the clause "has won the gold medal" to it. A pronoun that does this is a relative pronoun. It is not possessive (no ownership), not personal (it is not I, you, he), and not reflexive (it does not turn back on the subject as -self).

4. Which among the following is an adverb ?

(A) Temerity
(B) Headlong
(C) Precipitation
(D) Adventurer

Answer: (B) Headlong

"Headlong" can be used as an adverb meaning head first or without thinking, as in "he rushed headlong into the room". "Temerity" (boldness), "precipitation" (haste or a sudden fall) and "adventurer" (a person) are all nouns. Only "headlong" modifies a verb here, so it is the adverb.

5. Choose the word that is different in meaning from the other words.

(A) Sullen
(B) Morose
(C) Gloomy
(D) Grinning

Answer: (D) Grinning

Sullen, morose and gloomy all describe a bad-tempered, sad or low mood. "Grinning" means smiling broadly, a cheerful expression, so it is opposite in sense to the other three and is the odd one out. The word that differs in meaning from the rest is therefore (D).

6. What is the antonym of refreshment?

(A) Weariness
(B) Regalement
(C) Quick freeze
(D) Repast

Answer: (A) Weariness

Refreshment means restoration of energy and freshness. Its opposite is the state of being tired, which is "weariness". "Regalement" (a feast or entertainment) and "repast" (a meal) are near-synonyms of refreshment in some uses, and "quick freeze" is unrelated to it, so (A) is the antonym.

7. To drop in on is to :

(A) drop down from tree
(B) drop down from mountain
(C) visit someone unexpectedly
(D) visit someone on invitation

Answer: (C) visit someone unexpectedly

The phrasal verb "drop in on" means to visit someone, usually without a prior appointment or on a casual, unannounced basis. It has nothing to do with falling from a tree or a mountain, and "on invitation" contradicts the informal, unplanned sense. Option (C) gives the idiomatic meaning.

8. Choose the correct spelling from the following.

(A) Somnambulist
(B) Samnabulist
(C) Somnabullist
(D) Sommnambulist

Answer: (A) Somnambulist

The standard spelling is "somnambulist" (a sleepwalker), from Latin somnus, sleep, and ambulare, to walk. It has one "m" after "som-", then "-nambul-", and ends with "-ist". The other forms drop the letter "m", double the "l", or double the "m", and are misspelt.

9. Choose the correct sentence from the following.

(A) More than one boy was absent from the class.
(B) More than one boy were absent from the class.
(C) More than one boy absent from the class.
(D) More than two boys was absent from the class.

Answer: (A) More than one boy was absent from the class.

"More than one" is followed by a singular noun and a singular verb, even though it suggests plurality: "More than one boy was absent". Option (B) wrongly uses "were", option (C) has no verb at all, and option (D) mixes "more than two boys" with a singular verb "was". Only (A) is grammatically correct.

10. Choose the correct one word substitute for the following. One who looks at the bright side of things.

(A) Omicist
(B) Pessimist
(C) Orientalist
(D) Optimist

Answer: (D) Optimist

A person who looks at the bright side of things and expects good outcomes is an optimist. A pessimist expects the worst, and an orientalist is a scholar of Eastern cultures. "Omicist" is not a recognised word. The correct one-word substitute is therefore (D).

11. Rohingya refugees have been displaced from which country?

(A) From Bangladesh
(B) From Thailand
(C) From Sri Lanka
(D) From Myanmar

Answer: (D) From Myanmar

The Rohingya are a Muslim minority from Rakhine State in Myanmar. Large numbers fled military operations there, mainly in 2017, into Bangladesh and also into India, Thailand and Malaysia. Bangladesh and Thailand are host countries, not the country they were driven from, so (D) Myanmar is correct.

12. To which of the following country India has exported Pinaka, Multi-Rocket System ?

(A) Ukraine
(B) Afghanistan
(C) Armenia
(D) Vietnam

Answer: (C) Armenia

Armenia became the first export customer of the indigenous Pinaka multi-barrel rocket launcher, under a contract reported in 2022 and followed by deliveries, with the system built in India by the DRDO and industry partners. Ukraine, Afghanistan and Vietnam have not been reported as buyers, so the answer is (C).

13. Who won the men's singles title of Wimbledon - 2023 ?

(A) Carlos Alcaraz
(B) Pitt Sampras
(C) Roger Federer
(D) Novak Djokovic

Answer: (A) Carlos Alcaraz

At Wimbledon 2023 the men's singles final was won by Carlos Alcaraz of Spain, who beat Novak Djokovic in five sets in July 2023 for his second Grand Slam title and ended Djokovic's long run on Centre Court. Sampras and Federer are former champions but not of 2023.

14. Who among the following is the Foreign Minister of Ukraine ?

(A) Volodymyr Zelenskyy
(B) Dmytro Kuleba
(C) Yevgeny Brezhnev
(D) Yevgeny. Prigogine

Answer: (B) Dmytro Kuleba

As of March 2024, the Foreign Minister of Ukraine was Dmytro Kuleba, in office since 2020. Volodymyr Zelenskyy is the President, not the Foreign Minister. Brezhnev (a Soviet leader's surname) and Prigozhin (the Wagner group chief, who died in 2023) were never Ukraine's Foreign Ministers. So (B) is correct.

15. Who among the following got the first Nobel Prize for Literature ?

(A) Sully Prudhomme
(B) Jean Paul Sartre
(C) Bertrand Russell
(D) Rabindranath Tagore

Answer: (A) Sully Prudhomme

The first Nobel Prize in Literature, in 1901, went to the French poet Sully Prudhomme. Rabindranath Tagore received it later, in 1913, as the first non-European laureate. Jean-Paul Sartre was awarded it in 1964 (and declined it), and Bertrand Russell won it in 1950.

16. What is the name of the organization related to space research in Pakistan?

(A) SUPARCO
(B) PASRO
(C) ISRO
(D) NASA

Answer: (A) SUPARCO

SUPARCO, the Space and Upper Atmosphere Research Commission, is Pakistan's national space agency, set up in 1961. ISRO is India's space agency and NASA is the American one. "PASRO" is not the name of any Pakistani space body. Option (A) is therefore right.

17. Vaibhav Taneja has been appointed as the Chief Financial Officer of which MNC?

(A) Microsoft
(B) Tesla
(C) Google
(D) Facebook

Answer: (B) Tesla

Vaibhav Taneja, an Indian-origin finance executive, was named Chief Financial Officer of Tesla in August 2023, taking over from Zachary Kirkhorn, having earlier served as Tesla's Chief Accounting Officer. He is not associated with Microsoft, Google or Facebook in that role, so the answer is (B).

18. Who was appointed as the caretaker Prime Minister of Pakistan after the resignation of Shahbaz Sharif under Constitutional Provisions?

(A) Anwaar-ul Haq Kakar
(B) Imran Khan
(C) Maryam Nawaz
(D) Shahid Hussain

Answer: (A) Anwaar-ul Haq Kakar

After Pakistan's National Assembly was dissolved in August 2023 on Prime Minister Shehbaz Sharif's advice, Anwaar-ul-Haq Kakar, a Senator from Balochistan, was appointed caretaker Prime Minister under the constitutional procedure. Imran Khan is a former PM, and Maryam Nawaz is a provincial leader, so (A) is correct.

19. Who is the author of "Jinnah: His Successes, Failures and Role in History" ?

(A) Aafia Siddiqui
(B) Asiya Siddiqui
(C) Ishtiaq Ahmed
(D) Shahid Amin

Answer: (C) Ishtiaq Ahmed

"Jinnah: His Successes, Failures and Role in History" (2020) is by Ishtiaq Ahmed, the Pakistan-born political scientist who taught in Sweden, who wrote on Partition and on Jinnah's politics. The other names listed are not its author, so (C) is the answer.

20. Which one of the following ethnic communities does not belong to Manipur?

(A) Meitei
(B) Naga
(C) Kuki
(D) Khasi

Answer: (D) Khasi

The Meitei (the majority community of the Imphal valley), Nagas and Kukis are all ethnic communities of Manipur. The Khasis are the indigenous people of the Khasi Hills of Meghalaya, so they do not belong to Manipur and (D) is the correct choice.

21. In which of the following cases, review of a decree or order cannot be allowed to an aggrieved person under the rules of Order XLVII of the Civil Procedure Code, 1908?

(A) Where there is discovery of a new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made
(B) When on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him
(C) When the decision on a question of law on which the judgement of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case
(D) In all of the above cases review of a decree or order can be allowed

Answer: (C)

Order XLVII rule 1 permits review on discovery of new and important matter or evidence, on a mistake or error apparent on the face of the record, or for any other sufficient reason. The Explanation to the rule says a decision on a question of law reversed or modified by a later decision of a superior court in another case is not a ground for review. So (C) cannot be allowed.

22. Evidence may be given

(A) of the facts in issue
(B) of the relevant facts
(C) of the facts in issue and the relevant facts
(D) of the facts in issue, relevant facts and of the contested questions of law

Answer: (C) of the facts in issue and the relevant facts

Section 5 of the Evidence Act (BSA s.3) says evidence may be given of the facts in issue and of relevant facts, and of no others. Contested questions of law are decided by the court, not proved by evidence. Hence (C) alone states the rule fully; (A) and (B) are each only part of it.

23. Which of the following provisions of the Indian Evidence Act empowers the Judge to ask any question that he wishes about relevant fact or irrelevant from the witnesses or the parties?

(A) Section 164
(B) Section 165
(C) Section 166
(D) None of the above

Answer: (B) Section 165

Section 165 of the Evidence Act (BSA s.168) lets a Judge, to discover or obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness or of the parties about any fact, relevant or irrelevant. Section 164 deals with the effect of improper admission or rejection of evidence in civil cases and s.166 is not the answer.

24. In which of the proceedings under the Civil Procedure Code, 1908 the High Court may call for the record of any case which has been decided by any court subordinate to such High Court and in which no appeal lies thereto ?

(A) Reference
(B) Review
(C) Revision
(D) All of the above

Answer: (C) Revision

Section 115 CPC lets the High Court call for the record of any case decided by a subordinate court in which no appeal lies, to satisfy itself that the court has not exercised jurisdiction it lacks, failed to exercise jurisdiction it has, or acted illegally or with material irregularity. That is the revisional power. Reference and review work differently.

25. A, a singer contracts with B, the manager of a theatre to sing at his theatre for two nights in every week during the next two months, and B engages her and agrees to pay her a hundred rupees for each night's performance. On the sixth night, A wilfully absents herself from the theatre and B in consequence rescinds the contract. Which of the following legal consequences may follow thereof ?

(A) B may refuse to pay A for the performances of five nights and further sue A for compensation for loss of business on the sixth night
(B) B must pay A for the five nights on which she had sung
(C) A may sue B for unilaterally rescinding the contract
(D) None of the above legal consequences may follow correctly

Answer: (B) B must pay A for the five nights on which she had sung

This is Illustration (c) to section 39 of the Contract Act. When A wilfully absents herself, B may end the contract, but having rescinded it because of the sixth night's absence, B must still pay A for the five nights she sang. Compensation for the sixth night is a matter of damages, not a ground to withhold earned payment.

26. In which of the following offences under Indian Penal Code previous sanction under Section 197 of the Criminal Procedure Code 1973 is required for court to take cognizance for offence alleged to be committed by judges and public servants?

(A) Any offence alleged to have been committed under Section 166A, Section 166B
(B) Any offence alleged to have been committed under Sections 354, 354A, 354B, 354C or 354D
(C) Any offence alleged to have been committed under Section 300
(D) Any offence alleged to have been committed under Section 509

Answer: (C) Any offence alleged to have been committed under Section 300

Section 197 CrPC (BNSS s.218) requires previous sanction for a public servant acting in discharge of official duty, but its proviso removes the need for sanction for offences under IPC ss.166A, 166B, 354, 354A-354D and 509 (BNS ss.199, 200, 74-78 and 79). Murder under s.300 (BNS s.101) is not so excepted, so (C) is the one needing sanction.

27. Under Section 300 of the Indian Penal Code, how many kinds of exceptions have been stipulated, where culpable homicide is not murder?

(A) Three
(B) Four
(C) Five
(D) Six

Answer: (C) Five

Section 300 IPC (BNS s.101) first defines murder and then lists five exceptions in which culpable homicide is not murder: grave and sudden provocation, exceeding the right of private defence, public servant exceeding powers, sudden fight, and consent. Hence the number is five, (C), not three, four or six.

28. An aggrieved wife W registers FIR under Sections 498A/323 and 406 of IPC against her husband H at the police station of competent jurisdiction. After two years since the registration of FIR an amicable settlement is reached between them and they had been living together happily for over a year now. At this stage, husband and wife both approach the High Court for quashing of FIR under Section 482 of the Cr.P.C. However in the meantime the police investigation, has been completed and the charge sheet filed against the accused husband. Which of the following is legally permissible ?

(A) The High Court cannot quash the FIR as offences for which FIR is registered are non-compoundable under Section 320 of the Criminal Procedure Code
(B) The High Court cannot quash the FIR firstly because, offences for which FIR is registered are non-compoundable, secondly because the charge sheet has been filed
(C) The High Court is mandated to quash the FIR as wife, the alleged victim and husband, the alleged accused both are generally requesting for quashing of FIR
(D) The High Court in its discretion may quash FIR if it finds that it will secure the ends of justice

Answer: (D)

The High Court may exercise its inherent power under section 482 CrPC (BNSS s.528) to quash proceedings for non-compoundable offences like ss.498A, 323 and 406 IPC (BNS ss.85, 115(2), 316(2)) when the spouses have settled, if this secures the ends of justice, as held in Gian Singh and Narinder Singh. It is discretionary, not mandatory, and is open even after the charge sheet.

29. For the purposes of making a contract, a person is said to be of sound mind, if at the time of making of contract, he is

(A) Capable of understanding it and of forming a rational judgement as to its effect upon his interests
(B) A person who has obtained the age of majority
(C) Capable of giving free consent
(D) All of the above

Answer: (A)

Section 12 of the Contract Act says a person is of sound mind for contracting if, at the time of making it, he can understand it and form a rational judgment about its effect on his interests. Majority (s.11) and free consent (s.14) are separate requirements, not the test of sound mind. So only (A) is right.

30. Kedar Nath Vs. State of Bihar is a landmark case on _____ of the Indian Penal Code.

(A) Section 304 A
(B) Section 124 A
(C) Section 375
(D) None of the above

Answer: (B) Section 124 A

Kedar Nath Singh v. State of Bihar (1962) is the Supreme Court's decision upholding the constitutional validity of the offence of sedition under section 124A IPC, but reading it down to acts involving incitement to violence or disorder. The Bharatiya Nyaya Sanhita does not reproduce s.124A; its new s.152 deals with acts endangering India's sovereignty and unity.

31. Section 151 of the Civil Procedure Code, 1908 saves the inherent powers of the Court to make such Orders as may be necessary for which of the following ?

(A) To ensure the rule of law or to prevent abuse of the process of the Court
(B) For the ends of justice or to ensure the rule of law
(C) For the ends of justice or to prevent abuse of the process of the Court
(D) For the ends of justice or to ensure the rule of law or to prevent abuse of the process of the Court

Answer: (C)

Section 151 CPC saves the inherent powers of the court to make orders necessary for the ends of justice or to prevent abuse of the process of the court. It is not worded in terms of ensuring the rule of law, so options (A), (B) and (D) add words the section does not contain. Only (C) repeats the two purposes in the section.

32. Taylor V. Caldwell is a landmark case on the issue of

(A) Uncertain agreements
(B) Doctrine of impossibility
(C) Indemnity
(D) None of the above

Answer: (B) Doctrine of impossibility

Taylor v. Caldwell (1863) is the English case where a music hall was destroyed by fire before the contract dates, and the court held both parties discharged because performance had become impossible. It is the foundation of the doctrine of supervening impossibility, which section 56 of the Indian Contract Act reflects.

33. "Good faith" as defined under Section 52 of the Indian Penal Code necessarily involves

(A) due care and attention
(B) absence of bad intention
(C) genuine belief
(D) all of the above

Answer: (A) due care and attention

Section 52 IPC (BNS s.2(11)) says nothing is done or believed in good faith if it is done or believed without due

care and attention. So good faith necessarily involves due care and attention; mere absence of bad intention or a bare belief is not enough. Option (A) states what the definition requires.

34. Hardeep Singh Vs. State of Punjab and Others (2014) is a landmark case on the issue of

(A) Power to court to proceed against other persons appearing to be guilty of offence
(B) Withdrawal from prosecution
(C) Procedure in case of accused being lunatic
(D) Framing of charge

Answer: (A)

Hardeep Singh v. State of Punjab (2014), decided by a Constitution Bench, laid down the scope of section 319 CrPC (BNSS s.358): the court's power to proceed against other persons who appear from the evidence to be guilty of the offence, even though not charge-sheeted. It is not about withdrawal from prosecution, lunacy or framing of charge.

35. The contents of documents may be proved by

(A) the primary evidence only
(B) the secondary evidence only
(C) either by primary evidence or the secondary evidence in every case
(D) primary evidence only except in certain prescribed cases where it may be proved by the secondary evidence as well

Answer: (D)

Under section 61 of the Evidence Act (BSA s.56), contents of documents may be proved by primary or secondary evidence, but section 64 (BSA s.59) requires documents to be proved by primary evidence except in the cases listed in section 65 (BSA s.60), where secondary evidence is allowed. So primary evidence is the rule, with prescribed exceptions: (D).

36. B, a broker at Kolkata, by the orders of A, a merchant there, contracts with C for the purchase of 10 casks of oil for A. Afterwards A refuses to receive the oil, and repudiates the contract altogether. Which of the following would be correct legally in the given situation?

(A) C may sue B for the damages, costs and incurred expenses successfully
(B) C may sue A successfully but not B
(C) B may sue A for repudiation of the contract
(D) None of the above is correct

Answer: (A) C may sue B for the damages, costs and incurred expenses successfully

This follows the illustration to section 222 of the Contract Act, on an agent's right to indemnity: broker B contracts with C for A, A repudiates, C sues B, who must pay damages and costs, and then recovers from A. So C may successfully sue B for damages, costs and expenses. Option (A) matches that position.

37. Provisions relating to 'plea bargaining' are found in which Chapter of the Criminal Procedure Code, 1973?

(A) Chapter XX
(B) Chapter XXI A
(C) Chapter XXII
(D) Chapters XXI and XXI A

Answer: (B) Chapter XXI A

Plea bargaining was inserted in the CrPC by the Criminal Law (Amendment) Act, 2005, as Chapter XXI A (sections 265A to 265L). Chapter XX is about trial of summons cases and Chapter XXII about attendance of persons confined or detained in prisons. In the BNSS the provisions are in sections 289 to 300. The answer is (B).

38. "Warrant case" under the Criminal Procedure Code, 1973 means a case relating to an offence punishable with

(A) Death
(B) Imprisonment for life
(C) Imprisonment for a term exceeding two years
(D) All of the above

Answer: (D) All of the above

Section 2(x) CrPC (BNSS s.2(1)(z)) defines a warrant-case as a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years. Since all three of (A), (B) and (C) are within the definition, the answer is (D); a case with a lesser punishment is a summons-case.

39. A sues B for money due on a bond. The execution of bond is admitted, but B says that it was obtained by frauds which A denies. If no evidence is given on either side, then

(A) The facts of the case would remain inconclusive, so the case can't be resolved
(B) A would succeed in case
(C) B would succeed in case
(D) Burden of proof of the disputed fact lies both on A and B

Answer: (B) A would succeed in case

This is the illustration to section 102 of the Evidence Act (BSA s.105). The burden lies on the person who would fail if no evidence were given on either side. Execution being admitted, A would win unless B proves the fraud he pleads, so the burden is on B and, with no evidence given, A would succeed. Option (B) is correct.

40. In which of the following cases reference cannot be made to the High Court?

(A) Before the hearing of a suit
(B) An appeal where the decree is not subject to appeal
(C) In the execution of decree
(D) In all of the above cases, reference to the High Court can be made

Answer: (D) In all of the above cases, reference to the

High Court can be made

Under section 113 and Order XLVI CPC a court may refer a question of law to the High Court before the hearing of a suit, in an appeal where the decree is not subject to appeal, or in execution of a decree. Since reference is possible in all three, the case in which it 'cannot' be made does not exist, and (D) is the correct choice.

41. Which of the following amounts to a criminal conspiracy?

(A) An agreement between two or more persons to do or cause to be done an illegal act
(B) An agreement between two or more persons to do or cause to be done an act which is not illegal by illegal means
(C) An agreement between two or more persons to do or cause to be done to commit an offence
(D) All of the above

Answer: (D) All of the above

Section 120A IPC (BNS s.61(1)) defines criminal conspiracy as an agreement between two or more persons to do, or cause to be done, an illegal act, or an act which is not illegal by illegal means. An offence is itself an illegal act, so the agreement to commit an offence is covered too. All three options amount to conspiracy: (D).

42. Which of the following acts is not specified under Section 17 of the Indian Contract Act with reference to fraud?

(A) The active concealment of fact by one having knowledge or belief of the fact
(B) A promise made without any intention of performing it
(C) Act of connivance to enter in unlawful agreement
(D) The suggestion, as a fact, of that which is not true, by one who does not believe it to be true

Answer: (C) Act of connivance to enter in unlawful agreement

Section 17 of the Contract Act lists five acts as fraud: suggestion of a falsehood by one who does not believe it, active concealment, a promise made without intention to perform, any other act fitted to deceive, and any act declared fraudulent by law. "Connivance to enter into an unlawful agreement" is not listed, so (C).

43. A intentionally and falsely leads B to believe that certain land belongs to A and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and thereafter A seeks to set aside the sale on the ground that at the time of the sale, he had no title. A is not allowed to prove his want of the title under _____ of the Indian Evidence Act, 1872.

(A) Section 115
(B) Section 116
(C) Section 117
(D) None of the above

Answer: (A) Section 115

This is the illustration to section 115 of the Evidence Act (BSA s.121): estoppel by representation. A, who intentionally and falsely led B to believe the land was A's, and so induced the purchase, cannot afterwards say he had no title at the time of sale. Sections 116 and 117 concern tenants, licensees, acceptors and bailees.

44. Which of the following cases is reckoned as landmark case on the issue of privity of contract?

(A) Balfour V. Balfour (1919)
(B) Carlill V. Carbolic Smoke Ball Co. (1893)
(C) Dunlop Pneumatic Tyre Co. Ltd. V. Selfridge & Co. (1915)
(D) None of the above

Answer: (C) Dunlop Pneumatic Tyre Co. Ltd. V. Selfridge & Co. (1915)

Dunlop Pneumatic Tyre Co. v. Selfridge & Co. (1915) is the leading case on privity of contract: only a party to a contract can sue on it, and a stranger to the contract and consideration cannot enforce it. Balfour v. Balfour concerns intention to create legal relations and Carlill v. Carbolic Smoke Ball a general offer.

45. Who among the following cannot record statement or confession under Section 164 of the Criminal Procedure Code, 1973?

(A) Any Metropolitan Magistrate
(B) Any Judicial Magistrate
(C) Any Executive Magistrate in the absence of the Metropolitan Magistrate or the Judicial Magistrate of the competent jurisdiction
(D) All of the above may record statement or confession

Answer: (C)

Section 164 CrPC (BNSS s.183) empowers a Metropolitan Magistrate or a Judicial Magistrate to record a confession or statement during investigation. An Executive Magistrate is not a Judicial Magistrate and has no such power, even in the absence of a judicial one. So (C) names the person who cannot record it.

46. In which of the following cases, there may be presumption to absence of consent in prosecution for rape ?

(A) Rape as covered u/s 376(1)
(B) Rape as covered u/s 376(2)
(C) Rape as covered u/s 376(3)
(D) All of the above

Answer: Question deleted by JPSC

Section 114A of the Evidence Act (BSA s.120) raises a presumption of absence of consent only in rape prosecutions under particular clauses of section 376(2) IPC (BNS s.64(2)), where the sexual intercourse is proved and the woman says she did not consent. It does not attach to s.376(1) or (3), nor to every case under s.376(2), so no option states the rule exactly.

47. Which of the following is true about the Navtej Singh Johar Vs. Union of India Case (2018)?

(A) The Supreme Court struck down the whole of Section 377 of the Indian Penal Code
(B) The Supreme Court affirmed its previous judgement in the Suresh Kaushal Case (2013)
(C) The Supreme Court found certain parts of Section 377 of IPC violative of Articles 14, 15, 21 as well as Article 19(1)(a) of the Constitution
(D) All of the above are correct

Answer: (C)

In Navtej Singh Johar v. Union of India (2018) a Constitution Bench held section 377 IPC unconstitutional insofar as it criminalised consensual sexual conduct between adults, violating Articles 14, 15, 19(1)(a) and 21; the section survives for non-consensual acts, bestiality and acts with minors. It overruled Suresh Kaushal (2013), so (C) alone is true.

48. Which of the following is correct about the Civil Procedure Code, 1908?

(A) It has total 158 Sections, arranged in preliminary and XI Parts, with one Schedule containing LI Orders
(B) It has total 153 Sections, arranged in preliminary and XII Parts, with one Schedule containing L Orders
(C) It has total 163 Sections, arranged in preliminary and X Parts, with one Schedule containing LII Orders
(D) It has total 150 Sections, arranged in preliminary and XI Parts, with one Schedule containing XLIX Orders

Answer: (A)

The Code of Civil Procedure, 1908 has 158 sections arranged in a preliminary part and eleven Parts, with a First Schedule containing Orders I to LI (the numbered Orders, with additions). Options (B), (C) and (D) give wrong totals of sections, Parts or Orders, so (A) is the correct description.

49. In a contract of guarantee, between the creditor and principal debtor, the surety is

(A) Not entitled for any consideration
(B) Entitled for consideration either from the principal debtor or the creditor
(C) Content with anything done or promise made for the benefit of principal debtor, which is a sufficient consideration for surety
(D) Exempted from any contractual obligation

Answer: (C)

Section 127 of the Contract Act provides that anything done, or any promise made, for the benefit of the principal debtor may be a sufficient consideration to the surety for giving the guarantee. The surety need not receive anything himself. The creditor's forbearance and benefit to the debtor therefore suffice, as stated in (C).

50. Rules relating to the appeal to the Supreme Court is found in _____ of the Civil Procedure Code, 1908.

(A) Order XLI
(B) Order XLV
(C) Order XLIX
(D) None of the above

Answer: (B) Order XLV

Appeals to the Supreme Court from decrees of High Courts are dealt with in sections 109 and 110 CPC and Order XLV, which lays down the procedure. Order XLI deals with appeals from original decrees, and Order XLIX with the application of the Code to chartered High Courts. The answer is (B).

51. Which of the following provisions of the Indian Evidence Act protects from disclosure of certain kinds of professional communications?

(A) Section 123
(B) Section 124
(C) Section 125
(D) Section 126

Answer: (D) Section 126

Section 126 of the Evidence Act (BSA s.132) prohibits an advocate from disclosing communications made to him in the course and for the purpose of his employment by a client, and sections 127 to 129 extend and limit the privilege. Sections 123 to 125 deal with unpublished state records, official communications and information about offences. Hence (D).

52. A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Which of the following is correct?

(A) B may be guilty of no offence, but A has committed the offence of culpable homicide
(B) B is guilty of culpable homicide not amounting to murder but A has committed the offence of murder
(C) Both A and B are guilty of culpable homicide
(D) None of the above is correct

Answer: (A)

This is Illustration (b) to section 299 IPC (BNS s.100). B fires without knowing Z is behind the bush, so he has no guilty knowledge and may be guilty of no offence, while A, who intended or knew the act likely to cause Z's death and used B as the instrument, commits culpable homicide. Option (A).

53. In an Order in the Ashwini Kumar Upadhyay Vs. Union of India (Writ Petition (Civil) No. 943/2021) Case, the Supreme Court directed, inter alia, that States and Union Territories "shall ensure immediately, as and when any speech or any action takes place which attracts offences such as Section _____ of Indian Penal Code etc., without any complaint being filed, suo motu action be taken to register cases and proceed against the offenders in accordance with law". The provisions of IPC stated by Supreme Court included

(A) Sections 153 A and 153 B
(B) Section 295 A
(C) Section 506
(D) All of the above Sections

Answer: Question deleted by JPSC

The directions in this matter named sections 153A, 153B, 295A and 505 IPC (BNS ss.196, 197, 299 and 353) for suo motu registration of cases against hate speech, not section 506. As the blank in the question left the section unspecified and the options list 506, no option is exact. ss.153A, 153B and 295A were covered.

54. In order to convert a proposal into a promise, acceptance must be

(A) Accompanied by consideration
(B) Prompt and expeditious
(C) Absolute, unqualified and expressed in some usual and reasonable manner
(D) All of the above

Answer: (C)

Under section 7 of the Contract Act, acceptance must be absolute and unqualified and be expressed in some usual and reasonable manner, unless the proposal prescribes the manner. Only then does a proposal ripen into a promise. Consideration is a separate requirement and promptness is not demanded by the section, so (C).

55. Which of the following courts are excluded from the general power of transfer and withdrawal conferred under Section 24 of the Civil Procedure Code, 1908?

(A) The Supreme Court of India
(B) The High Courts
(C) District Courts
(D) None of the above

Answer: (A) The Supreme Court of India

Section 24 CPC allows the High Court or a District Court to transfer or withdraw suits, appeals or proceedings pending in courts subordinate to it. The Supreme Court is not covered by this section, as its own transfer power arises under section 25 CPC and Article 139A of the Constitution. So the court excluded from the general power is the Supreme Court.

56. Which of the following is included in the definition of "dishonestly" under the Indian Penal Code, 1860 ?

(A) Whoever does anything with the intention of causing wrongful gain to one person
(B) Whoever does anything with the knowledge of causing wrongful gain to one person
(C) Whoever does anything with the knowledge and belief of causing wrongful gain to one person
(D) None of the above

Answer: (A)

Under section 24 IPC (BNS s.2(7)), whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person does it dishonestly. The test is intention, not knowledge or belief. Option (A) correctly reflects intention to cause wrongful gain, while (B) and (C) substitute knowledge.

57. Which of the following provisions of the Criminal Procedure Code, 1973 provides for dealing with offences committed outside India?

(A) Section 184
(B) Section 186
(C) Section 188
(D) Section 190

Answer: (C) Section 188

Section 188 CrPC (BNSS s.208) provides for the trial of an offence committed outside India by a citizen of India or on a ship or aircraft registered in India, as if it were committed at the place where he is found or at a place the Central Government chooses, with prior sanction. Section 184 relates to place of trial and s.186 and s.190 to other matters.

58. A continuing guarantee may be revoked by the surety at anytime as to future transactions

(A) By notice to the creditor and consent of the principal debtor
(B) By approval of the creditor
(C) By notice to the creditor and principal debtor
(D) By notice to the creditor

Answer: (D) By notice to the creditor

Section 130 of the Contract Act says a continuing guarantee may at any time be revoked by the surety, as to future transactions, by notice to the creditor. The principal debtor's consent or the creditor's approval is not needed, so (D) is correct. Revocation does not affect liability for transactions already completed.

59. Lalitha Kumari Vs. Govt. of UP and Ors (2013) is a landmark case on which of the following issues ?

(A) Arrest to prevent the commission of cognizable offences under Section 151
(B) Registration of FIR under Section 154
(C) Procedure for investigation under Section 157
(D) Examination of witnesses by police under Section 161

Answer: (B) Registration of FIR under Section 154

Lalita Kumari v. Government of Uttar Pradesh (2013) was decided by a Constitution Bench, which held that registration of an FIR under section 154 CrPC (BNSS s.173) is mandatory when information discloses a cognizable offence, with only a limited preliminary inquiry allowed in specified categories of cases.

60. When in a proceeding, the court has to form an opinion, on any matter relating to any information transmitted or stored in any computer resource or any other electronic or digital form, the opinion of the examiner of electronic evidence referred a Section 79 A of the Information Technology Act, 2000 is

(A) a relevant fact
(B) a fact in issue
(C) a conclusive proof
(D) an incontrovertible fact

Answer: (A) a relevant fact

Section 45A of the Evidence Act (BSA s.39(2)) provides that when the court has to form an opinion on any information in electronic or digital form, the opinion of the Examiner of Electronic Evidence under section 79A of the Information Technology Act, 2000 is a relevant fact. It is not conclusive or a fact in issue, so (A).

61. Which of the following is not correct about the power of courts to allow amendment of pleadings?

(A) Power of the court to allow amendment of pleadings is provided under Rule 17 of Order V of the Civil Procedure Code, 1908
(B) Provisions of Rule 17 of Order VI of the Civil Procedure Code, 1908 is exhaustive of the power of a court in matters of amendment of pleadings
(C) Provisions of Rule 17 of Order VI of the Civil Procedure Code, 1908 gives wide discretion on a court to allow either party to amend the pleadings subject to certain well established principles of law
(D) Kisandas V Rachappa Vithoba (1909) is a landmark case on the principles of law applicable to the amendment of pleadings

Answer: (A)

The power to amend pleadings is in Order VI rule 17 CPC, not Order V (which deals with summons). Rule 17 gives the court wide discretion, subject to settled principles such as those in Kisandas v. Rachappa Vithoba Shilwant (1909). The statement in (A) that it is under Order V is therefore the incorrect one.

62. The Supreme Court in Mohd. Khalid Vs. State of West Bengal [2002(7) SCC 334] case stated that, "We cannot overlook that the basic principle which underlines Section _____ of the Evidence Act is the theory of agency. Every conspirator is an agent of his associate in carrying out the object of conspiracy." Which provisions of the Evidence Act was the Supreme Court referring to?

(A) Section 7
(B) Section 8
(C) Section 9
(D) Section 10

Answer: (D) Section 10

Mohd. Khalid v. State of West Bengal speaks of the theory of agency underlying section 10 of the Evidence Act (BSA s.8): things said, done or written by any conspirator in reference to the common intention, after it was formed, are relevant against each conspirator. Every conspirator is thus the agent of the others, so (D).

63. Under Section 190 of the Criminal Procedure Code, 1973, a Magistrate of competent jurisdiction may take cognizance of any offence

(A) Only upon receiving a complaint of facts which constitute such offence
(B) Also upon a police report of such facts
(C) Upon his own knowledge, that such offence has been committed
(D) All of the above

Answer: (D) All of the above

Under section 190(1) CrPC (BNSS s.210) a competent Magistrate may take cognizance of an offence (a) on

receiving a complaint of the facts, (b) on a police report of such facts, or (c) on information from any person other than a police officer, or on his own knowledge. All the three modes are valid, so (D) is correct.

64. For the purposes of conclusiveness of foreign judgement, which of the following is a presumption that may be displaced under Section 14 of CPC, 1908?

(A) It has been on merits of the case
(B) It has been pronounced by a court of competent jurisdiction
(C) Proceeding in which the judgement was obtained was not opposed to natural justice
(D) All of the above

Answer: (B) It has been pronounced by a court of competent jurisdiction

Under section 14 CPC the court presumes, on production of a certified copy of a foreign judgment, that it was pronounced by a court of competent jurisdiction unless the contrary appears on the record, and the presumption may be displaced by proving want of jurisdiction. The grounds in section 13 are different tests, so (B) is the presumption.

65. McNaughten's Case principle relates to the

(A) Defence of unsound mind
(B) Right to self defence
(C) Defence of the mistake of fact
(D) None of the above

Answer: (A) Defence of unsound mind

The McNaghten (M'Naghten) Rules of 1843 lay down the test of legal insanity: a person is not responsible if, because of a disease of the mind, he did not know the nature of the act or that it was wrong. India's section 84 IPC (BNS s.22) follows this. So the case concerns the defence of unsound mind.

66. In which of the following cases a judge records an order of acquittal under Section 232 of the Criminal Procedure Code, 1973?

(A) If he finds that there is no sufficient ground for proceeding with trial
(B) If he finds that there is no evidence that the accused committed the offence
(C) If the accused pleads 'not guilty' and the prosecution doesn't contest to that
(D) In all of the above cases

Answer: (B)

Section 232 CrPC (BNSS s.255) requires the Judge, after taking the prosecution evidence, examining the accused and hearing both sides, to acquit him if he considers there is no evidence that the accused committed the offence. Insufficient ground to proceed is the test for discharge, and a plea of not guilty does not lead to acquittal. So (B).

67. In the case of State of UP Vs. Deoman Upadhyaya (1960), the Supreme Court had considered and upheld the Constitutionality of which of the following provisions of the Indian Evidence Act?

(A) Section 25
(B) Section 26
(C) Section 27
(D) Section 28

Answer: (C) Section 27

In State of U.P. v. Deoman Upadhyaya (1960) the Supreme Court upheld the validity of section 27 of the Evidence Act (BSA s.23(2) proviso), which lets so much of information given by an accused in police custody as leads to discovery of a fact be proved, as not violating Articles 14 and 20(3). So (C), not ss.25, 26 or 28.

68. During a political function of the ruling dispensation in a State, there is firing by the police in which several persons are killed. Consequently a FIR is filed in the local police station against the accused policeman. Further a Commission of Enquiry headed by a senior police officer is set up under the Commission of Enquiry Act to investigate the matter. Even when investigation in pursuance of the FIR filed is underway the enquiry commission gives a damning report against the accused policemen and recommends strongest criminal action against them. Which of the following is legally valid course of action as a follow up to the report of commission?

(A) Based on the report of the commission a second FIR in super-session to the first FIR may be filed
(B) The report of the Enquiry Commission will be binding on the Investigating Officer of the case in pursuance of the first FIR
(C) The report of the Enquiry Commission shall carry a conclusive weightage before the court conducting trial of the case
(D) None of the above is legally valid course of action

Answer: (D) None of the above is legally valid course of action

A Commission of Enquiry's report is only advisory and is not binding on the investigating officer or the criminal court, and a second FIR on the same incident is not permissible once investigation on the first is under way (T.T. Antony v. State of Kerala, 2001). So none of options (A), (B) or (C) is legally valid and (D) is correct.

69. Under the Indian Contract Act, 1872, an agreement not enforceable by law is

(A) Void agreement
(B) Voidable contract
(C) Unlawful agreement
(D) Void as well as unlawful agreement

Answer: (A) Void agreement

Section 2(g) of the Contract Act says an agreement not enforceable by law is void. A voidable contract is enforceable at the option of one party (s.2(i)), and the word "unlawful" is not a separate category in this definition. So an agreement not enforceable by law is simply a void agreement: (A).

70. Dhulabhai Vs State of Madhya Pradesh and another (AIR 1969 SC 78) is a leading case on the issue of

(A) Distinction between material facts and particulars
(B) Principles regarding exclusion of jurisdiction of civil courts
(C) Principles regarding place of suing
(D) Execution of decree

Answer: (B) Principles regarding exclusion of jurisdiction of civil courts

Dhulabhai v. State of Madhya Pradesh (AIR 1969 SC 78) set out the principles on exclusion of the jurisdiction of civil courts under section 9 CPC: exclusion is not readily inferred, and the court examines the statute's remedies and whether it provides adequate machinery. It does not deal with place of suing or execution.

71. Gurbaksh Singh Sibbia and Others Vs. State of Punjab (1980) is a landmark case on the issue of

(A) When bail may taken in case of non-bailable offence
(B) Grant of bail to person apprehending arrest
(C) Special powers of High Court or Court of Session regarding bail
(D) None of the above

Answer: (B) Grant of bail to person apprehending arrest

Gurbaksh Singh Sibbia v. State of Punjab (1980), a Constitution Bench ruling, interpreted section 438 CrPC (BNSS s.482), the provision for direction for grant of bail to a person apprehending arrest, holding that it should not be hedged with rigid conditions. Hence the case concerns anticipatory bail: (B).

72. Which of the following offences relating to religion is the most serious one in terms of the severity of the punishment to the offender ?

(A) Injuring or defiling place of worship with intent to insult the religion of any class
(B) Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs
(C) Disturbing religious assembly
(D) Uttering words etc. with deliberate intent to wound religious feelings

Answer: (B)

Section 295A IPC (BNS s.299), deliberate and malicious acts to outrage religious feelings, carries up to three years' imprisonment. Section 295 (BNS s.298), defiling a place of worship, carries two years, while section 296 (BNS s.300), disturbing a religious assembly, and section 298 (BNS s.302), uttering words to wound religious feelings, carry one year. So (B) is the most severe.

73. Evidence under the Indian Evidence Act means and includes

(A) All statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry
(B) All documents including electronic produced for the inspection of the court
(C) Both (A) and (B)
(D) Neither (A) and (B) above

Answer: (C) Both (A) and (B)

Section 3 of the Evidence Act defines evidence as all statements which the court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry (oral evidence), and all documents, including electronic records, produced for the court's inspection (documentary evidence). So it includes both, as in (C). BSA s.2(1)(e) is similar.

74. A lends a violent horse to B. While B rides the horse, it runs away violently. B is thrown off and injured. A is responsible to pay B for damages sustained

(A) Only if the contract of bailment specifically stipulates payment of such damages, otherwise not
(B) If A knew about the violent nature of horse and did not disclose it to B.
(C) Whether A knew about the violent nature of horse or not, if he did not caution B
(D) In none of the above cases, as the injury has been caused by the acts of the horse, which was not in control of A, when the injury was caused

Answer: (B)

This is the rule in section 150 of the Contract Act: a bailor who knows of faults in the goods bailed that materially interfere with their use, or expose the bailee to risk, and does not disclose them, is responsible for damage resulting.

Illustration (a) concerns a vicious horse. So A is liable if he knew and did not tell B: (B).

75. The provisions relating to transfer of decree for execution is stated under _____ of Civil Procedure Code, 1908.

(A) Section 38
(B) Section 39
(C) Section 40
(D) None of the above

Answer: Question deleted by JPSC

Section 39 CPC empowers the court which passed a decree to send it for execution to another court, while section 38 states which court may execute it, and section 40 deals with transfer to a court in another State. The question was set with a blank that left the intended provision unclear, so it is deleted; section 39 is the transfer provision.

76. A intending or knowing himself to be likely to permanently disfigure Z's face, gives Z a blow which does not disfigure Z's face permanently, but which causes Z to suffer severe bodily pain for the space of twenty days. Which of the following is correct?

(A) A has voluntarily caused hurt
(B) A has voluntarily caused grievous hurt
(C) A has voluntarily caused hurt, as well as grievous hurt
(D) A has involuntarily caused grievous hurt

Answer: (B) A has voluntarily caused grievous hurt

This is the illustration to section 322 IPC (BNS s.117). Severe bodily pain for twenty days is the eighth kind of grievous hurt under section 320 (BNS s.116), and since A intended or knew the likely result of permanent disfigurement, he voluntarily caused grievous hurt, though the disfigurement did not follow. So (B), not simple hurt.

77. Which of the following inter alia, is true about release of accused under Section 169 of the Criminal Procedure Code, 1973 ?

(A) Accused may be released, if upon an investigation it appears that there is not sufficient evidence for commission of an offence
(B) Accused may be released, if upon an investigation it appears that there is not reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate
(C) Accused may be released with or without bond to appear, if and when so required before a Magistrate
(D) All of the above is correct

Answer: (B)

Section 169 CrPC (BNSS s.189) provides that if on investigation there is not sufficient evidence or reasonable ground of suspicion to justify forwarding the accused to a Magistrate, the officer in charge shall release him, if in custody, on a bond, with or without sureties, to appear when required. Option (B) follows the section's wording, while (A) misstates the test as insufficient evidence of an offence.

78. A and B agree that A shall pay B Rs. 1,000/-, for which B shall afterwards deliver to A, either rice or smuggled opium. Which of the following is correct legal incidence ?

(A) Agreement between A and B is void totally
(B) It is a valid contract to the extent of delivery of rice
(C) It is a void agreement as to delivery of opium
(D) It is a valid contract to deliver rice and void agreement as to the opium

Answer: (D)

This is the illustration to section 24 of the Contract Act. When part of a single consideration is lawful and part unlawful, the lawful part alone is enforceable. Delivery of rice is lawful, so it is a valid contract, while delivery of smuggled opium is unlawful and void. Option (D) states both parts.

79. Under Section 203 of the Criminal Procedure Code, a magistrate may dismiss a complaint for which of the following reasons?

(A) Magistrate is of opinion that there is no sufficient ground for proceeding
(B) Magistrate is of opinion that there is not adequate evidence to convict the accused
(C) Magistrate conclusively finds that accused is no more alive
(D) In all of the above circumstances

Answer: (A)

Under section 203 CrPC (BNSS s.226) a Magistrate, after considering the complaint, the statements on oath and any inquiry or investigation, may dismiss the complaint if he is of opinion there is no sufficient ground for proceeding, recording brief reasons. A prima facie view suffices; adequate evidence to convict is not required, so (A).

80. The offence of 'Sextortion' has been included in the Indian Penal Code by way of State Amendment in respect of which State/Union Territory?

(A) Tamil Nadu
(B) Uttar Pradesh
(C) Jammu and Kashmir and Ladakh
(D) Manipur

Answer: (C) Jammu and Kashmir and Ladakh

Sextortion, meaning abuse of a position of authority to seek sexual favours, was made an offence as section 354E of the Ranbir Penal Code by the Jammu and Kashmir Criminal Laws (Sexual Offences) (Amendment) Act, 2018, the first such law in India. The Ranbir Penal Code was the Penal Code of Jammu and Kashmir, and Ladakh was then part of that State. No such amendment exists for Tamil Nadu, Uttar Pradesh or Manipur: (C).

81. The rule that "once a matter is finally decided by a Court of competent jurisdiction, no party can be permitted to reopen it in a subsequent litigation", is based on the doctrine of

(A) Rule of Estoppel
(B) Principle of Res judicata
(C) Doctrine of Stare decisis
(D) None of the above

Answer: (B) Principle of Res judicata

The rule that a matter finally decided by a court of competent jurisdiction cannot be reopened between the same parties in later litigation is res judicata, enacted in section 11 CPC. Estoppel bars a party from denying a representation, and stare decisis is the rule of following precedent. So (B).

82. The Appellate Court shall _____, as are conferred and imposed by this Code on courts of original jurisdiction in respect of suits instituted therein. As per the provisions of the Code of Civil Procedure, 1908, which of the following correctly fills the blank?

(A) have the same powers
(B) perform as nearly as may be the same duties
(C) have higher powers than
(D) have the same powers and shall perform as nearly as may be the same duties

Answer: (D)

Section 107(2) CPC says the appellate court shall, subject to the provisions of the Code, have the same powers and shall perform, as nearly as may be, the same duties as are conferred and imposed on courts of original jurisdiction in respect of suits instituted therein. Both limbs belong together, so (D).

83. Under the Indian Evidence Act, the expression, "facts in issue", means and includes - any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability or disability asserted or denied in any suit or proceeding _____ follows.

(A) may follow
(B) necessarily follows
(C) in all probability follow
(D) none of the above

Answer: (B) necessarily follows

Section 3 of the Evidence Act (BSA s.2(1)(g)) defines facts in issue as any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability or disability asserted or denied in a suit or proceeding necessarily follows. "May follow" or "probably follows" would be weaker than the statutory word: (B).

84. A is plaintiff and B is a defendant in a pending suit in respect of a suit property situated in Ranchi. When the suit is pending, B transfers the said property to C, who becomes the transferee of the suit property pendente lite having notice and knowledge about the pendency of the suit for specific performance and order of injunction. Which of the following is correct vis-a-vis the provisions of the Code of Civil Procedure, 1908?

(A) C may be impleaded as a party to the suit under Rule 3 of Order 1
(B) C may be impleaded as a party to the suit under Rule 8A of Order 1
(C) C may be impleaded as a party to the suit under Rule 10(2) of Order 1
(D) C cannot be impleaded as a party to the pending suit; however, the transfer of the suit property to C can be challenged in another suit

Answer: (C) C may be impleaded as a party to the suit under Rule 10(2) of Order 1

A transferee pendente lite is not a necessary party, but under Order I rule 10(2) CPC the court can at any stage add a person whose presence is necessary or proper to decide the matter effectively, and a transferee with notice may be impleaded. Rule 3 concerns joinder of defendants for the same transaction and rule 8A concerns persons heard on law. So (C).

85. The provisions relating to the "General Exceptions" are given under _____ of the Indian Penal Code.

(A) Chapter III
(B) Chapter IV
(C) Chapter V
(D) Chapter VI

Answer: (B) Chapter IV

General Exceptions, covering matters like mistake of fact, accident, unsound mind, intoxication and private defence, are in Chapter IV of the IPC (sections 76 to 106). In the BNS they are in Chapter III (sections 14 to 44). The question asks about the IPC, so the answer is (B) Chapter IV.

86. In the bailment of pledges, under the Indian Contract Act, pawnor is

(A) Bailor
(B) Bailee
(C) Surety
(D) None of the above

Answer: (A) Bailor

In a bailment of pledge under section 172 of the Contract Act, the bailor who delivers goods as security for a debt or promise is called the pawnor, and the bailee who receives them is the pawnee. So the pawnor is the bailor: (A). He is not a surety, who guarantees another's debt.

87. Judicially noticeable fact

(A) Need not be proved
(B) Are enlisted under Section 56 of the Indian Evidence Act
(C) Need to be proved only when its truth is contested by the other party
(D) All of the above is correct about judicially noticeable fact

Answer: (A) Need not be proved

Under section 56 of the Evidence Act (BSA s.51), no fact of which the court will take judicial notice needs to be proved. The facts of which courts must take notice are listed in section 57 (BSA s.52), not s.56, and they need no proof even if contested. So only (A) is correct.

88. Which of the following is included or deemed as complaint under the Criminal Procedure Code, 1973?

(A) An allegation made orally or in writing to a Magistrate with a view to his taking action under the Code, that some person, whether known or unknown has committed an offence
(B) A police report forwarded by a Police Officer to a Magistrate under Sub-section 2 of Section 173
(C) A report made by a Police Officer in a case which discloses, after investigation, the commission of a non-cognizable offence
(D) All of the above, except (B) relating to a police report forwarded by a Police Officer to a Magistrate under sub-section (2) of Section 173

Answer: (D)

Under section 2(d) CrPC (BNSS s.2(1)(h)), a complaint is an allegation made orally or in writing to a Magistrate with a view to his taking action, that someone known or unknown has committed an offence; but not a police report. The Explanation treats a police report in a case disclosing a non-cognizable offence as a complaint. So everything except the s.173(2) police report is a complaint: (D).

89. Section 21 of the Indian Evidence Act is often referred as exception to the rule stated under

(A) Section 25
(B) Section 26
(C) Both Sections 25 and 26
(D) Section 28

Answer: (C) Both Sections 25 and 26

Section 21 of the Evidence Act (BSA s.19) allows an admission to be proved against its maker. Sections 25 and 26 (BSA s.23) bar proof of confessions to a police officer or made in police custody, though a confession is a species of admission, and section 21 is treated as a qualification of the bar in both. So (C), not s.25 or s.26 alone.

90. Under Section 361 of the Indian Penal Code, the lawful guardian of the minor includes

(A) Only father
(B) Only the parents
(C) Only the immediate relatives
(D) Any person lawfully entrusted with the care or custody of minor

Answer: (D) Any person lawfully entrusted with the care or custody of minor

Section 361 IPC (BNS s.137(1)(b)) on kidnapping from lawful guardianship says "lawful guardian" includes any person lawfully entrusted with the care or custody of the minor, such as a teacher or relative given charge, not only a father or parents. Options (A), (B) and (C) are too narrow, so (D).

91. Which of the following is incorrect about pleadings?

(A) It means plaint or written statement
(B) It contains a statement in a concise form of the material facts on which the party pleading relies for his claim or defence
(C) It also contains evidence by which material facts are to be proved
(D) The general provisions relating to pleadings are found in Order VI, the first Schedule of the Civil Procedure Code, 1908

Answer: (C) It also contains evidence by which material facts are to be proved

Pleadings mean the plaint and the written statement (Order VI rule 1) and they state concisely the material facts relied on, but not the evidence by which they are to be proved (rule 2). The general provisions are in Order VI of the First Schedule. The incorrect statement is (C), that pleadings contain the evidence.

92. Which of the following is correct about admissions under the Indian Evidence Act, 1872?

(A) Admissions are conclusive proof of the matters admitted
(B) Admissions can only be made by the party to the proceeding
(C) Admissions may operate as Estoppels
(D) All of the above are correct

Answer: (C) Admissions may operate as Estoppels

Under section 31 of the Evidence Act (BSA s.25), admissions are not conclusive proof of the matters admitted, but may operate as estoppels. Admissions can be made not only by a party but also by an agent, a person with a proprietary interest or one whose position must be proved (ss.18 and 19; BSA ss.16 and 17). So only (C) is correct.

93. Which of the following is correct about decree and judgement?

(A) Decree and judgement are the same
(B) Civil Procedure Code defines decree, but does not define judgement
(C) Decree includes any order of dismissal for default
(D) None of the above

Answer: (D) None of the above

A decree is the formal expression of an adjudication that conclusively determines the rights of the parties (section 2(2) CPC), and judgment is the statement of the grounds of a decree or order (section 2(9)); both are defined and they are not the same. A decree does not include an order of dismissal for default. So (A), (B) and (C) are wrong: (D).

94. Accident in doing a lawful act may not be an offence,

(A) if it has happened by only accident or misfortune
(B) if it has happened without any criminal intention or knowledge
(C) if it has happened while doing of a lawful act in a lawful manner by lawful means and with proper care and caution
(D) if all the three components as stated above are present

Answer: (D) if all the three components as stated above are present

Section 80 IPC (BNS s.18) provides that nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge, in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution. All the three components must be present, so (D).

95. Except for some exceptions that may be there, which of the following agreements are void?

(A) Agreements in restraint of trade
(B) Agreements in restraint of legal proceedings
(C) Agreements, the meaning of which is not certain, or capable of being made certain
(D) Agreements without consideration

Answer: Question deleted by JPSC

Under the Contract Act, agreements in restraint of marriage, trade or legal proceedings (ss.26 to 28), agreements whose meaning is uncertain (s.29) and agreements without consideration (s.25, subject to its exceptions) are all void. Since all four options describe void agreements, the question does not point to a single option and is deleted.

96. The rarest of rare case doctrine on the sentencing of the death penalty was evolved by the Supreme Court in which case?

(A) Bachan Singh Vs. State of Punjab
(B) Abhayanand Mishra Vs. State of Bihar
(C) State of Maharashtra Vs. Mohd. Yakub
(D) None of these

Answer: (A) Bachan Singh Vs. State of Punjab

The "rarest of rare" doctrine for awarding the death sentence was laid down by the Constitution Bench in Bachan Singh v. State of Punjab (1980), which upheld the death penalty's validity but limited it to the rarest of rare cases, with reasons required. Machhi Singh later listed guidelines. Abhayanand Mishra concerned attempt, and Mohd. Yakub the Bombay blasts.

97. Which of the following kind of the examination of witness is provided under Section 137 of the Indian Evidence Act?

(A) Examination-in-Chief
(B) Cross Examination
(C) Re-examination
(D) All of the above

Answer: (D) All of the above

Section 137 of the Evidence Act (BSA s.142) provides that the examination of a witness by the party who calls him is his examination-in-chief, the examination by the adverse party is cross-examination, and a further examination by the calling party is re-examination. All three are provided, so the answer is (D).

98. Which of the following is incorrect about agency under the Indian Contract Act?

(A) An agent may be employed to do any act for the principal
(B) Only such person may be employed as agent who has obtained the age of majority
(C) The authority of agent must be expressed in writing
(D) No consideration is necessary to create an agency

Answer: Question deleted by JPSC

Under section 183 only a principal needs to be of the age of majority and of sound mind; section 184 says that as between the principal and third persons any person may become an agent, so a minor may be one. Authority may also be expressed or implied (s.186). Both (B) and (C) are incorrect, so the question has two defective options and is deleted.

99. Where a woman commits suicide within a period of seven years from the date of her marriage and it is shown that soon before her death, her husband or other relative of her husband had subjected her to cruelty in connection with any demand for dowry, then it is a case of

(A) presumption of dowry death
(B) presumption of abetment of suicide by husband or other relative of husband
(C) both presumption of dowry death as well as presumption of abetment of suicide
(D) presumption of cruelty caused to her by her husband or other relative

Answer: (C)

Section 113A of the Evidence Act (BSA s.117) raises a presumption of abetment of suicide by the husband or his relatives, where a married woman kills herself within seven years of marriage after cruelty, and section 113B (BSA s.118) raises a presumption of dowry death where soon before death she was subjected to dowry cruelty. On these facts both presumptions may arise (BNS ss.108 and 80): (C).

100. Mohori Bibi V. Dharmodas Ghose (1903) is considered a landmark case on the issue of

(A) the ambit of contracts by minors
(B) the nature and type of consideration
(C) the principal and agent relationship
(D) the consequences of breach of contract

Answer: (A) the ambit of contracts by minors

Mohori Bibi v. Dharmodas Ghose (1903), decided by the Privy Council, held that a minor's agreement is void ab initio, so no contract can arise and the minor cannot be bound by it nor made to repay money advanced. It is the leading authority on the position of minors in contract, under sections 10 and 11 of the Contract Act: (A).