Karnataka Civil Judge (Preliminary) 2012

High Court of Karnataka · Civil Judge Preliminary Examination (CJR 1/2010, held 08.12.2012) · 100 questions

Preliminary Examination

1. Where a FIR is given by the accused, the same can be used

(A) for contradiction of the accused
(B) for corroboration of the accused
(C) against the accused as confession
(D) as an admission if the same is non-confessional

2. Offences other than those mentioned under Section 320 of Cr.P.C.

(A) are compoundable
(B) are not compoundable
(C) are compoundable with the permission of the court
(D) are compoundable by the High Court

3. Attachment of the property of the person absconding, can be

(A) issued after publication of the proclamation
(B) issued before publication of the proclamation
(C) issued simultaneously with the issue of proclamation
(D) all the above

4. An accused having been called to examine himself on a request in writing

(A) must necessarily examine himself
(B) has the liberty not to give evidence without giving rise to any presumption against him
(C) has the liberty not to give evidence but in such a case a presumption arises against him
(D) none of the above

5. When several persons do a Criminal act in furtherance to the common intention-

(A) each of such person shall be liable according to the extent of his participation in the crime
(B) each of such person is liable for that act in the same manner as if it were done by him alone
(C) each of such person is liable for his own overt act
(D) all of the above

6. Right of private defence is-

(A) available where there is no time to have recourse to the protection of public authorities
(B) available under all circumstances
(C) available where there is time to have recourse to the protection of public authorities
(D) all of the above

7. The following are exceptions to defamation:

(A) imputation of Truth for Public Good
(B) Public Conduct of Public Servants
(C) Literary Criticism
(D) All the above

8. Abetment is complete as soon as-

(A) the abettor has incited another to commit an offence
(B) the offence abetted has been committed
(C) the person instigated has done some overt act towards the commission of the offence
(D) none of the above

9. 'S' knows that 'R' is suffering from the disease of heart ailment and also knows that one hit on 'R's chest can cause cardiac arrest and cause death. S hits R once on chest and R dies. S is-

(A) guilty of murder since he had knowledge that in all probability is likely to cause death of 'R'
(B) guilty of no offence since the blow is not sufficient to cause the death of a person of normal health
(C) guilty of culpable homicide not amounting to murder since he does not think that his act is likely to cause death
(D) none of the above

10. A intentionally deceives B into a belief that A has performed A's part of a contract which he has not performed, and thereby dishonestly induces B to pay money. A has committed

(A) the offence of cheating
(B) the offence of criminal breach of trust
(C) the offence of extortion
(D) the offence of theft

11. A document required by law to be attested can be proved under Section 68 of the Evidence Act only by calling-

(A) both the attesting witnesses
(B) some other person who has the knowledge of the contents
(C) at least one of the attesting witnesses
(D) all of the above

12. Section 92 of the Evidence Act is applicable to disputes between-

(A) the parties to the instrument only
(B) two strangers where the document is in question
(C) a party to the instrument and a stranger
(D) all the above

13. The right to cross-examine on an answer to court question is available to-

(A) the party calling the witness only
(B) the adverse party only
(C) either of the parties if the answer is adverse to either of the parties
(D) none of the above

14. Section 27 of the Evidence Act applies to discovery of some fact which-

(A) the police had not previously learnt from other sources and was first derived from the information given by the accused
(B) the police had previously learnt from other sources
(C) the police had previously learnt from other sources and the accused has also given information regarding the same
(D) all the above

15. Under Section 32 of the Evidence Act, a statement of a person who is dead, to be admissible-

(A) may relate to the cause of someone else's death
(B) may relate to the cause of his own death or someone else's death
(C) must relate to the cause of his own death
(D) none of the above

16. Period of thirty years under Section 90 of the Evidence Act is to be reckoned from the date on which the document

(A) filed in the court
(B) relied upon
(C) tendered in evidence, when genuineness becomes a subject of proof
(D) all the above

17. Section 114 of the Evidence Act provides for certain-

(A) presumption of fact
(B) rebuttable presumptions of law
(C) irrebuttable presumptions of law
(D) none of the above

18. During re-examination of a witness-

(A) a new matter can be introduced as a matter of right generally
(B) no new matter can be introduced at all
(C) a new matter can be introduced only with the permission of the court
(D) none of the above

19. Properties that can be attached are-

(A) Money, Bank notes, Cheques, Bills of exchange, Hundis, Promissory notes,
(B) Stipends and gratuities allowed to pensioners of the Government
(C) Books of account
(D) All the above

20. After withdrawal of a suit, the plaintiff-

(A) cannot institute a fresh suit in respect of the same subject matter, unless liberty is given at the time of withdrawal of the suit
(B) can institute a fresh suit in respect of the same subject matter
(C) can institute a fresh suit in respect of the same subject matter only with the leave of the court
(D) can institute a fresh suit in respect of the same subject matter only without the leave of the court

21. The list of witnesses, after settlement of issues, must be filed within-

(A) fifteen days
(B) thirty days
(C) forty five days
(D) sixty days

22. Where a judgment debtor dies before the decree has been fully satisfied-

(A) the same cannot be executed against the legal representatives
(B) the same can be executed against any one of the legal representatives of the judgment debtor in its entirety
(C) the same can be executed against all the legal representatives
(D) the same can be executed against any number of the legal representatives as the decree holder wants

23. Section 115 of the Code of Civil Procedure applies to -

(A) non-exercise of jurisdiction vested in a court
(B) irregular exercise of jurisdiction vested in the court
(C) exercise of jurisdiction not vested in a court
(D) all the above

24. Newly inserted Chapter XXI-A of Code of Criminal Procedure deals with:

(A) Bail
(B) Disposal of property
(C) Plea Bargaining
(D) Transfer of Criminal Cases

25. Opinion of an expert under Section 45 of the Evidence Act-

(A) is a conclusive proof
(B) is not a conclusive proof
(C) is not relevant
(D) is not admissible

26. The defendant wants to file an application under Section 152 CPC to correct an accidental slip in a judgment. It should be filed-

(A) within 30 days
(B) within 60 days
(C) within 90 days
(D) any time

27. In a warrant trial, after the charge is framed, the Magistrate can-

(A) Stop the proceedings under Section 258 Cr.P.C.
(B) Drop the proceedings
(C) Only acquit or convict the accused
(D) Stay the proceedings in proper cases

28. Which of the following statements is wrong -

(A) oath may be administered to an accused before he is examined under Section 313 Cr.P.C.
(B) an accused can be examined as a witness only on his request in writing
(C) an accused can refuse to answer any question when he is examined under Section 313 Cr.P.C.
(D) the court can put to the accused any question at any stage of the trial

29. A phrase which does not find a place in Section 304(A) IPC is -

(A) the death of any person
(B) rash or negligent act
(C) rash and negligent act
(D) not amounting to culpable homicide

30. Sexual intercourse with the consent of a girl amounts to rape if she is under -

(A) 15 years
(B) 16 years
(C) 17 years
(D) 18 years

31. Where the serving officer delivers or tenders a copy of the summons to the defendant personally or to his agent, he must require such a person to sign an acknowledgment of service to be endorsed on the original summons. Then:

(A) the copy of the summons will be delivered to the defendant
(B) the original summons with the defendant's signature thereon, will be returned to the court
(C) both (a) and (b)
(D) the original summons with the defendant's signature thereon, will be returned to the plaintiff

32. Who among the following can move the court for plea bargaining?

(A) the Police Officer
(B) the complainant
(C) only the accused
(D) both the accused or the complainant

33. Section 438 of Cr.P.C. can be invoked-

(A) in cases of non-bailable offences
(B) in cases of bailable offences
(C) both (a) & (b)
(D) neither (a) nor (b)

34. While passing an order for disposal of property

(A) the Magistrate has to decide the question of title
(B) the Magistrate has to decide the question of entitlement of possession without deciding the title
(C) the Magistrate has to decide the question of title as well as the question of entitlement of possession
(D) the Magistrate has to decide the question of entitlement of possession on the basis of decision on the question of title

35. Dishonestly inducing any person in delivering property is,

(A) Criminal breach of trust
(B) Cheating
(C) Misappropriation
(D) Extortion

36. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days of its dissolution, the other remaining unmarried, shall not be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten. The statement is-

(A) True
(B) False
(C) Partly True
(D) None of the above

37. The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved. The statement is-

(A) False
(B) True
(C) Partly false
(D) None of the above

38. Classification of summons case & warrant case-

(A) helps in determining the trial procedure to be adopted
(B) helps to decide the question of issuance of process to the accused
(C) helps in determining the investigation procedure to be adopted
(D) (a) & (b) are correct

39. In a summons case triable by a Magistrate, continuation of investigation, beyond the period of six months, from the date of arrest of the accused, without the previous permission of the Magistrate, shall

(A) render the entire investigation vitiated and bad and the accused is liable to be discharged
(B) not render the entire investigation bad, but the prosecution cannot rely on the investigation so carried out and the evidence so collected shall not be admissible
(C) not render the entire investigation bad but the accused is liable to be discharged
(D) none of the above

40. Withdrawal of complaint, results in the

(A) discharge of the accused in cases where the charge has not yet been framed
(B) acquittal of the accused in cases where charge has already been framed
(C) acquittal of the accused irrespective of whether the charge has been framed or not
(D) none of the above

41. Following irregularities done by a Magistrate, do not vitiate proceedings-

(A) to issue a search-warrant under Section 94
(B) to order, under Section 155, the police to investigate an offence
(C) none of the above
(D) (a) and (b)

42. Stoppage of proceedings in a criminal case has the effect of -

(A) acquittal in all circumstances
(B) acquittal where the evidence of the principal witness has been recorded
(C) discharge in all other cases where the evidence of the principal witness has not been recorded
(D) both (b) & (c)

43. Under Section 64 of the Indian Penal Code, a sentence of imprisonment for non-payment of fine shall-

(A) be concurrent of any other imprisonment
(B) be in excess of any other imprisonment to which an offender has been sentenced
(C) not be in excess of any other imprisonment
(D) none of the above

44. In case of an offence punishable with fine only, imprisonment for non-payment of fine-

(A) has to be simple
(B) has to be rigorous
(C) can be partly rigorous and partly simple
(D) either (a) or (b)

45. Insanity as a defence means that a person at the time of doing an act, by reason of unsoundness of mind is incapable of knowing-

(A) the nature of the act
(B) that what he is doing is wrong
(C) that what he is doing is contrary to law
(D) either (a) or (b) or (c)

46. Culpable homicide is causing death-
(A) with the intention of causing such bodily injury as is likely to cause death
(B) with the knowledge that by such act death is likely to be caused
(C) with the intention of causing death
(D) all the above

47. For rioting, which of the following is correct-
(A) mere show of force is sufficient
(B) mere possession of deadly weapon is sufficient
(C) actual force or violence must be used
(D) all the above

48. In cases of dishonest misappropriation the initial possession of property is -
(A) in good faith
(B) dishonest
(C) fraudulent
(D) none of the above

49. Circumstantial evidence must satisfy the following tests.
(A) The circumstances from which an inference of guilt is to be drawn must be cogently and firmly established
(B) Those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused
(C) The circumstances taken collectively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused
(D) All the above

50. Due execution of a document more than thirty years old coming from proper custody, is a-
(A) rebuttable presumption of law
(B) presumption of fact
(C) irrebuttable presumption of law
(D) none of the above

51. Fact in issue means the fact, existence or non-existence of which is-
(A) admitted by the parties
(B) disputed by the parties
(C) not disputed by the parties
(D) none of the above

52. Section 14 of Evidence Act makes relevant the facts which show the existence of -
(A) any state of body or bodily feeling
(B) any state of mind
(C) either state of mind or of body or bodily feeling
(D) a particular state of mind and a state of body

53. A legal representative under the Code of Civil Procedure means
(A) a co-sharer of the benefits arising to the parties to the suit
(B) a person, who in law represents the estate of the deceased
(C) a relative of parties to the suit
(D) all the above

54. Where the execution is applied within _____ years of the decree, issuance of notice of the application for execution of a decree, to the judgment debtor, is not necessary.
(A) two years of the decree
(B) four years of the decree
(C) three years of the decree
(D) five years of the decree

55. Under Order IX, Rule 7 of the Code of Civil Procedure, an application can be made-
(A) any time during the pendency of the suit
(B) at any time on or before the next date of hearing
(C) within 60 days of the Order
(D) within 90 days of the Order

56. A suit to set aside a compromise decree-
(A) shall not lie on the ground/s that the compromise is not lawful
(B) shall not lie on any ground/s
(C) shall lie on the ground/s that compromise is not lawful
(D) none of the above

57. An arrest warrant before judgment against a defendant can be issued if the defendant-
(A) removes the property outside the local limits of the jurisdiction of the court
(B) has absconded or left the local limits of the jurisdiction of the court
(C) is about to abscond or leave the local limits of jurisdiction of the court
(D) all the above

58. Right to appeal is-
(A) an inherent right
(B) a statutory right
(C) a natural right
(D) all the above

59. A suit through next friend can be filed -
(A) by a minor
(B) by a lunatic
(C) both (a) and (b)
(D) none of the above

60. Mesne profit means-
(A) profit earned by a mission
(B) very minimum profit
(C) profit received or could have been received by a person in wrongful possession of property
(D) none of the above

61. Total number of languages recognized in the Constitution of India are:
(A) 28
(B) 31
(C) 22
(D) 18

62. In a case in which time had not been fixed for performance of the agreement, the court refused to grant the relief of specific performance to the plaintiff on the ground that suit was not filed within a reasonable time. The order is
(A) illegal
(B) null and void
(C) legal
(D) irregular

63. The authority empowered to transfer a Judge from one High Court to another High Court is the-
(A) Chief Minister
(B) Speaker
(C) President
(D) Governor

64. Illegality renders a contract -
(A) punishable
(B) void
(C) illegal
(D) all of these

65. Right to seek advisory opinion of the Supreme Court on any question of law belongs to the -
(A) President
(B) Governor
(C) Prime Minister
(D) President and Governor

66. "The jurisdiction to decree specific performance is discretionary and the court is not bound to grant such relief merely because it is lawful to do so." This statement is -
(A) False
(B) Partly true
(C) True
(D) None of the above

67. 'A' executed an agreement with 'B' who was a minor aged 17 years at the time of execution of the agreement. After attaining majority, the erstwhile minor-
(A) can ratify the agreement
(B) cannot ratify the agreement
(C) has to set aside the agreement
(D) none of the above

68. A 'holder in due course' is person-
(A) entitled to possess the negotiable instrument in his own name and to recover the amount
(B) who becomes a possessor of the negotiable instrument for consideration
(C) who holds the instrument as an agent of the payee
(D) who possesses the instrument only for the purpose of presentation for payment

69. 'A' executed a demand promissory note in favour of 'B' for an ascertained sum. Though the parties had agreed upon payment of interest, they failed to specify the rate of interest in the instrument. Later 'B' unilaterally added 18% as the rate of interest. This renders the document-
(A) voidable
(B) void
(C) incomplete
(D) none of the above

70. Who among the following judges was Chairman of the National Commission to Review the Working of the Constitution?
(A) M.N.Venkatachalaiah
(B) V.R.Krishna Iyer
(C) A.S.Anand
(D) J.S. Verma

71. Which of the following islands is situated in Arabian sea?

(A) Andaman Island
(B) Nicobar Island
(C) Lakshadweep Island
(D) Indira Point

72. Which of the following contracts is not specifically enforceable?

(A) To sell an agricultural property
(B) To sell a dwelling house
(C) To perform in a singing programme
(D) None of the above

73. The Government of India Act, 1935 provided for

(A) dyarchy in provinces
(B) provincial authority
(C) legislative councils for provinces
(D) communal electorate

74. Who was known as "Grand Old Man of India"?

(A) Jayaprakash Narayan
(B) C.F.Andrews
(C) Dadabhai Navoroji
(D) Lala Lajpat Rai

75. The currency of Greece is,

(A) Rupiah
(B) Forint
(C) Drachma
(D) Ringgit

76. If time is the essence of the contract and the promisor fails to perform the contract by the specified time, the contract-

(A) becomes void
(B) remains valid
(C) becomes voidable at the instance of the promisee
(D) becomes unenforceable

77. Claim for necessaries of life supplied to a lunatic under Section 68 of Indian Contract Act, can be enforced against-

(A) the lunatic personally when he ceases to be lunatic
(B) the relative of the lunatic
(C) the guardian of the lunatic
(D) the lunatic's property or estate

78. Proviso to Section 34 of the Specific Relief Act relates to suits for-

(A) Declaration
(B) Injunctions
(C) specific performance
(D) all the above

79. Under Section 5 of the Karnataka Rent Act, 1999, who, out of the following would have the first priority in inheriting tenancy in the event of a death of a tenant,

(A) Parents
(B) son or daughter or where there are both son and daughter, both of them
(C) spouse
(D) daughter-in-law, being the widow of his pre-deceased son

80. The question is, whether a horse sold by A to B is sound; A says to B - "Go and ask C, C knows all about it". C's statement is

(A) an admission
(B) not an admission
(C) a confession
(D) a presumption

81. A person who is not qualified to be appointed to a public post is appointed to occupy the said post. This is challenged before the High Court invoking the Writ Jurisdiction. Which of the following are the most appropriate Writs to be invoked.

(A) Writ of Mandamus
(B) Writ of Prohibition
(C) Writ of Habeas Corpus
(D) Writ of quo-warranto

82. Which of the following are grounds for eviction of a tenant under Section 27 of the Karnataka Rent Act;

(A) that the tenant, his spouse or dependants or daughter ordinarily living with him, before or after the commencement of this Act, built or acquired vacant possession of or been allotted a residence or as the case may be, a commercial premises
(B) that the person in occupation of the premises has failed to prove that he is a bonafide tenant
(C) both (a) and (b)
(D) none of the above

83. It shall not be a defence in a prosecution for an offence under section 138 that the drawer had no reason to believe when he issued the cheque that the cheque may be dishonoured on presentment for the reasons stated in that section. This statement is -

(A) False
(B) Partly true
(C) True
(D) None of the above

84. When two persons mutually transfer the ownership of one thing for the ownership of another, neither things or both things being money only, the transaction is called-

(A) A sale
(B) A Gift
(C) An Exchange
(D) None of the above

85. The Mortgagee has a right to sue for the mortgage money in the following cases namely, -----

(A) Section 68(1) (c) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor
(B) Section 68(1) (d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor
(C) Both (a) & (b)
(D) None of the above

86. Contract is said to have 3 essentials, which one among the following is not an essential element in the formation of contract:

(A) Offer
(B) Acceptance
(C) Consideration
(D) Promise

87. "The question of title is irrelevant in a suit under Section 6 of the Specific Relief Act, 1963". This statement is -

(A) True
(B) False
(C) Partly true
(D) None of the above

88. 'A' entered into an agreement with 'B' to sell immovable property of the former for consideration and 'B' was put in possession of the property. Both parties had signed the agreement. The agreement had not been registered under the Indian Registration Act. In a suit between the parties, 'B' claimed the benefit of Section 53A of the Transfer of Property Act. Whether his claim is maintainable?

(A) Yes, it is maintainable
(B) No, it is not maintainable since the agreement was not registered
(C) No, since the sale deed was not executed
(D) None of the above

89. 'A' executed a gift deed in favour of 'B' with respect to an immovable property worth Rs.90/-. The deed was duly attested but was not registered. 'B' in a suit, claimed title by virtue of the above gift deed. Is his claim maintainable?

(A) No, the deed is not valid
(B) Yes, deed is valid, since the value of the property is less than Rs.100/-
(C) Deed is valid since the gift is a document which requires no consideration
(D) None of the above

90. Which of the following instrument is not a valid promissory note?

(A) The instrument which contains an endorsement by another guaranteeing repayment
(B) The instrument containing attestation by two witnesses
(C) The undertaking is to pay on demand after a period of one year
(D) The undertaking is to pay a sum to be ascertained at the time of demand

91. Decisions regarding disqualification of members of Lok Sabha are taken by -

(A) Speaker
(B) Prime Minister
(C) Ministry of Parliamentary Affairs
(D) Parliamentary Secretary

92. When a writ is issued to an inferior court or tribunal on grounds of exceeding its jurisdiction or acting contrary to the rules of natural justice it is called a writ of:

(A) Certiorari
(B) Mandamus
(C) Quo Warranto
(D) Habeas Corpus

93. Whether a mortgagee under a simple mortgage can take possession of the mortgaged property?

(A) Yes
(B) No
(C) Only if court permits
(D) None of the above

94. _____ is the "heart and soul of the Constitution"

(A) right to Constitutional Remedies
(B) right to property
(C) right to religion
(D) all of above

95. To apply the Doctrine of Part Performance laid down in Sec. 53A of the Transfer of Property Act-

(A) the transferee must be always ready and willing to discharge his part of obligation under the contract
(B) the contract must be in writing and signed by the transferor, and the terms and conditions must be certain
(C) the contract must be for value not gratuitous
(D) all the above

96. Where an immovable property of one person is by an act of parties or operation of law made security for the payment of money to another, and the transaction does not amount to a mortgage, the latter person:

(A) is said to have a charge on the property
(B) is not said to have a charge on the property
(C) is said to be a security
(D) none of the above

97. Communication of acceptance is complete as against the acceptor, only-

(A) when it is put in the course of transmission
(B) when it comes to the knowledge of the proposer
(C) when it is communicated to the acceptor that the acceptance has reached the proposer
(D) all the above

98. Novation of a contract under Indian Contract Act, means-

(A) cancellation of contract
(B) alteration of the contract
(C) the renewal of original contract
(D) substitution of a new contract in place of original contract

99. Under Section 34, of the Specific Relief Act a declaration can be sought by-

(A) a person having a legal character or a right as to property which is denied
(B) a person whose legal character or right to property is not denied
(C) a stranger who has no interest
(D) all the above

100. Choose the correct statement:-

(A) The making of a promissory note is completed by its execution.
(B) The making of a cheque is completed by its execution.
(C) A cheque payable to bearer is not negotiable by its delivery.
(D) A cheque payable to order is negotiable by the holder by endorsement and delivery.