Kerala Judicial Service (Mains) 2011

Paper IV · compulsory paper

Marks: 100 · Duration: 3 hours

Part -I

(Answer all the questions in one or two sentences. Each carries one mark)

1. In a suit for partition, which of the parties is entitled to file a final decree application? [1 mark]

2. What is the remedy of a party when his advocate refuses to give consent for change of vakalath?

3. What is an Amin's diary? [1 mark][1 mark]

4. What are the purposes of delivering interrogatories? [1 mark]

5. When can a civil court refuse to entertain an objection to or claim to attachment of property?[1 mark]

6. What is the condition to be satisfied before a court can order production of original document from the custody of a public officer? [1 mark]

7. How are a series of similar documents marked in a suit? [1 mark]

8. What is meant by settlement of proclamation in an execution proceedings? [1 mark]

9. How is a court fee stamp affixed on a document cancelled in a civil court? [1 mark]

10. When can a Magistrate direct examination of the accused by a medical practitioner at the request of the police? [1 mark]

11. When can the court record compromise of a suit? [1 mark]

12. When can a criminal court destroy material objects exhibited at a trial? [1 mark]

13. What are the different forms of Alternative Dispute Resolution u/s. 89 CPC? [1 mark]

14. What is the oath to be administered to a witness? [1 mark]

15. What is the procedure for execution of orders? [1 mark]

Part -II

(Answer any 15 questions in not exceeding 120 words. Each carries three marks)

16. A magistrate passed a sentence of imprisonment for 1 year and a fine of Rs.10000/-. Further he directed the accused to pay the victim Rs. 20,000/- as compensation. Comment in the light of the provisions in Cr.P.C. [3 marks]

17. How is fine imposed by a criminal court recovered? Examine the provisions in Cr.P.C. and Crl. Rules of Practice? [3 marks]

18. What are the sentences which a Magistrate of the First Class, Chief Judicial Magistrate and an Assistant Sessions Judge may impose under Cr.P.C.? [3 marks]

19. What are the circumstances in which police can arrest without warrant? [3 marks]

20. How is proclamation for an absconding person effected? What is Register of Long Pending Cases?

21. What are the powers of police in investigating a criminal case? [3 marks][3 marks]

22. What is the procedure to be followed when an accused in a sessions case appears in committal proceedings before a Magistrate? [3 marks]

23. Write a note on compoundable and non compoundable offences. [3 marks]

24. Examine the power of a Magistrate to examine the accused during the trial of a case. Are the answers given by the accused evidence in the case? [3 marks]

25. Examine the provisions in Cr.P.C. regarding forfeiture of bond and bail bonds? [3 marks]

26. Explain the terms preliminary decree and final decree. Has the court power to pass several preliminary decrees and final decrees? [3 marks]

27. What are the different types of jurisdiction of a court? Explain. [3 marks]

28. Examine the power of the court to award costs, compensatory costs and costs for causing delay.

29. Distinguish between a local inspection by a court and by a commissioner. [3 marks][3 marks]

30. What is the procedure to be followed by the court after passing a final decree in a partition suit? [3 marks]

31. What is the jurisdiction of the court to attach property before judgment and what is the nature of the order the court may pass? [3 marks]

32. Distinguish between a next friend and a guardian ad litem. [3 marks]

33. What is the procedure for presentation of an indigent application? What are the grounds on which an indigent application may be rejected? [3 marks]

34. What is the procedure to be followed in the following circumstances? [3 marks]

a) Defendant refuses to accept summons or cannot be found.

b) Witness fails to comply with summons.

35. Write a note on the power of the court to grant time and adjourn hearing. [3 marks]

Part -III

(Answer any 5 questions in not exceeding 250 words. Each carries eight marks)

36. Explain the procedure prescribed for arrest and detention of J.D. in civil prison in execution of a money decree. [8 marks]

37. What is the procedure to be followed for sale of immovable property in execution of a money decree? [8 marks]

38. a) What are the cases in which temporary injunction may be granted? [8 marks]

b) What is the consequence of disobedience or breach of an order of temporary injunction?

c) What are the cases in which the court may order interim sale of property under O. 39 CPC?

39. Distinguish between reference and review under CPC. [8 marks]

40. What is the power of the court to grant bail in bailable and non-bailable offences? [8 marks]

41. How should a charge be framed? What is the authority of the court to alter a charge? [8 marks]

42. (a) Explain the procedure prescribed for a Magistrate taking cognizance on a complaint. [8 marks]

(b) What is the procedure to be followed when there is a complaint case and police investigation in respect of the same offence?

43. How is a warrant case tried in a Magistrate Court? [8 marks]

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