Kerala Judicial Service Mains 2012 · Question papers

Paper III · compulsory paper

12 August 2012 · Marks: 100 · Duration: 3 hours

Part A

Answer any 15 questions in one or two sentences only. Each carries 1 mark.

(1) What is the purpose for which an Observation Home is established? [1 mark]

(2) When shall bail be refused to a juvenile in conflict with law? [1 mark]

(3) How can a complaint be made to the police under the Police Act? [1 mark]

(4) When is a person said to counterfeit a thing? [1 mark]

(5) When does the right of private defence of the body commence? How long does it continue? [1 mark]

(6) When does voluntary concealment of existence of a design to commit an offence punishable with death become an offence? [1 mark]

(7) What is the offence of harbouring offender? [1 mark]

(8) What are the ingredients of the offence of causing death by negligence? [1 mark]

(9) When do facts not otherwise relevant become relevant under Section 11 of the Evidence Act? [1 mark]

(10) When can a Magistrate grant bail to an accused under the NDPS Act though the prosecutor opposes the application for bail? [1 mark]

(11) What is abduction? [1 mark]

(12) What is unnatural offence? [1 mark]

(13) How cana Will be proved if the attesting witness does not recollect its execution? [1 mark]

(14) A asked C for a loan in the presence of D, whereupon D told C not to trust A as he (A) owed B Rs.1 lakh. On hearing this, A just walked away. Are the above facts relevant in the suit filed by B against A for recovery of the amount of Rs.1 lakh? Why? [1 mark]

(15) What is charas? [1 mark]

(16) What is the presumption as to commission of the offence under Sections 55 and 58 of the Abkari Act? [1 mark]

(17) What are the cases in which a forest officer can arrest without warrant? [1 mark]

(18) Who is a respondent under the Protection of Women from Domestic Violence Act? [1 mark]

(19) What is the offence created by the Protection of Women from Domestic Violence in relation to violation of an order committed by a respondent? [1 mark]

(20) Ina proceedings u/s.12 of the Protection of Women from Domestic Violence Act, a Magistrate issued an arrest warrant against the respondent on his failure to appear in response to the notice. Comment. [1 mark]

Part B

Answer any 15 questions. Each carries 3 marks.

(1) a) What are the rights of the public at a police station?
b) What is police station diary and who are the persons competent to. verify it? [3 marks]

(2) Write a short note on certified copies of public documents. [3 marks]

(3) Which are the acts against which there is no private defence and what is the extent to which the right may be exercised? [3 marks]

(4) a) What are the powers of a forest officer in seizing properties liable to confiscation under the Forest Act?
b) What are the powers of a Judicial Magistrate in confiscating articles under the Forest Act? ; [3 marks]

(5) Who are persons competent to depose? [3 marks]

(6) Write a short note on accomplice. [3 marks]

(7) Write a short note on corroboration and contradiction of witnesses. [3 marks]

(8) What is the power of the court to release an offender on probation of good conduct? [3 marks]

(9) What are the different categories of presumption? [3 marks]

(10) What are the rules of evidence regarding disclosure of professional communications, and confidential communications with legal advisers? [3 marks]

(11) a) What is the mode of service of summons in a case filed under Section 138 of Negotiable Instruments Act?
b) What are the presumptions raised by the special rules of evidence in a case filed under Section138 of Negotiable Instruments Act? [3 marks]

(12) How is extortion different from robbery? [3 marks]

(13) a) What is the procedure to be followed u/s.53A of the Abkari Act in disposing of seized liquor, intoxicating drugs or articles?
b) What is the special rule of evidence in relation to it? [3 marks]

(14) What do verbal and emotional abuse and economic abuse mean under the Protection of Women from Domestic Violence Act? [3 marks]

(15) Explain 'rioting'. [3 marks]

(16) What are the provisions in the IPC regarding imprisonment for nonpayment of fine? [3 marks]

(17) Write a short note on mischief. [3 marks]

(18) Write a short note on the offence made out by the following facts: The Will of Prakash contained the following words "I direct that all my remaining property should be equally divided among Tony, Tomy and Dony". Dony dishonestly erases Tomy's name with intent that it might be believed that the whole property was left to himself and Tony. [3 marks]

(19) Distinguish between bigamy from adultery. [3 marks]

(20) Explain 'laying the foundation for reception of secondary evidence'. [3 marks]

Part C

Answer any 5 questions. Each carries 8 marks.

(1) What are the rules governing exclusion of oral evidence by documentary evidence? [8 marks]

(2) Write a note on burden of proof. [8 marks]

(3) Cross examination is a powerful weapon to expose falsehood. Discuss. [8 marks]

(4) What are the powers of an abkari officer to conduct search of houses, arrest offenders and seize articles? [8 marks]

(5) What are protection orders and monetary reliefs under the Protection of, Women from Domestic Violence Act? [8 marks]

(6) Write a note on lurking house trespass. [8 marks]

(7) Discuss the ingredients of the offences under IPC made out by the. following facts:
a) A young man draws an obscene picture and sends it in an envelope to a girl in his neighborhood
b) Kumaran borrowed from Das Rs.1,000/- pledging a watch. When : paying the amount Kumaran took the watch out of Das possession without his consent
c) The accused branded the victim by means of a hot iron
d) The accused projected himself as a Scheduled Caste candidate and appeared at an examination and got an appointment on that false representation [8 marks]

(8) Discuss relevancy of previous judgments [8 marks]