Kerala Judicial Service Mains 2013 · Question papers

Paper III · compulsory paper

Marks: 100 · Duration: 3 hours

Part I

Answer all questions. (15 × 1 = 15 marks)

(1) Which of the following statements is wrong? Under IPC [1 mark]

(A) the word Government denotes the Central Government or the Government of a State

(B) the word person includes association or body of persons whether incorporated or not

(C) when property is in the possession of a person's wife on account of that person it is in that person's possession

(D) a special law is a law applicable only to a particular part of India

(2) A was appointed executor to B's will. On B's death A dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed [1 mark]

(A) no offence

(B) criminal misappropriation

(C) criminal breach of trust

(D) theft

(3) To which of the following the Indian Evidence Act does not apply? [1 mark]

(A) Electronic record

(B) Affidavit

(C) Hearsay evidence

(D) Subsequent conduct

(4) A prosecutes B for adultery with C, A's wife. Though B denies that C is A's wife the Court convicts B of adultery. Afterwards C is prosecuted for bigamy in marrying B during A's life time. C says that she never was A's wife. The judgment against B is [1 mark]

(A) relevant against C

(B) irrelevant against C

(C) operates as res judicata

(D) operates as estoppel

(5) Choose the wrong statement [1 mark]

(A) If a bill of exchange is drawn in a set of three, all the three should be proved

(B) If a contract is contained in a bill of exchange, the bill of exchange should be proved

(C) If a contract is contained in several letters, all the letters must be proved

(D) Oral evidence is admissible to prove payment which is evidenced by a receipt

(6) Which of the following is not defined under the Abkari Act? [1 mark]

(A) Abkari

(B) Abkari Officer

(C) Abkari Inspector

(D) Abkari Revenue

(7) Under Section 144 of the Negotiable Instruments Act when cannot the Court declare that the summons has been duly served? [1 mark]

(A) When an acknowledgment purporting to be signed by the accused has been received

(B) When an endorsement purporting to be signed by the postman that the accused has refused to take delivery has been received

(C) When an endorsement purported to be made by a person authorized by the courier service that the witness has refused to take delivery of summons has been received

(D) When a civil police officer's report that the summons was served on the accused has been received

(8) Mark the odd one under Section 5 of the Protection of Women from Domestic Violence Act [1 mark]

(A) Police officer

(B) Protection officer

(C) Magistrate

(D) Sessions Judge

(9) Identify the penal provision in the Protection of Women from Domestic Violence Act [1 mark]

(A) Section 34

(B) Section 32

(C) Section 31

(D) Section 30

(10) Choose the correct statement [1 mark]

(A) A juvenile in conflict with law may be arrested by police

(B) A juvenile in conflict with law shall not be arrested by police

(C) A juvenile in conflict with law may be arrested only by a member of the special juvenile police unit

(D) A juvenile in conflict with law may be arrested only on the orders of a Principal Magistrate

(11) Under the Kerala Police Act ..... committed by a Police Officer may be taken cognizance of by a court without the previous sanction of the Government [1 mark]

(A) the offence of dereliction of duty

(B) the offence of cowardice

(C) no offence

(D) the offence of taking bribe

(12) Which statement is wrong [1 mark]

(A) A person found guilty of an offence and dealt with under section 3 of the Probation of Offenders Act shall not suffer disqualification attached to conviction

(B) If a person released under section 4 of the Probation of Offenders Act is subsequently sentenced for the original offence, he shall suffer disqualification, if any, attached to conviction

(C) A person found guilty of an offence and dealt with under section 4 of the Probation of Offenders Act shall not suffer disqualification attached to conviction

(D) Every Probation Officer appointed under the Probation of Offenders Act is a public servant under section 21 of the Indian Penal Code

(13) A person who abetted an offence under the Kerala Forest Act was punished with the punishment provided for that offence though the offence was not committed in consequence of the abetment. The order is [1 mark]

(A) irregular
(B) a nullity
(C) legal
(D) illegal

(14) The term 'offence' as defined in the Juvenile Justice (Care and Protection of Children) Act means
(A) an offence punishable under any of the provisions of the said Act [1 mark]
(B) an offence punishable under the Indian Penal Code
(C) an offence punishable under any central statute
(D) an offence punishable under any law for the time being in force

(15) Which among the following is not cannabis as defined in the NDPS Act? [1 mark]
(A) Ecgonine
(B) Charas
(C) Hashish
(D) Ganja

Part II

Answer any 15 questions. Answers shall not exceed 120 words (1 page). If more than 15 questions are answered the first 15 answers alone will be evaluated. (15 × 3 = 45 marks)

(16) Write a note on sentence of imprisonment for non-payment of fine [3 marks]

(17) Kumaran met Prabhakaran on the Banerji Road, Ernakulam. The former showed a pistol and demanded the latter to hand over his purse containing money. Prabhakaran surrendered his purse. Explain the offence committed by Kumaran [3 marks]

(18) A dictated his will to B. B intentionally wrote a different legatee from the legatee named by A. By representing to A that he had prepared the Will according to A's instructions, B induced A to sign the will. Explain the ingredients of the offence if any, committed by B [3 marks]

(19) X beat Y on his right cheek causing him pain. What offence did Y commit? What would have been the offence if Y had lost a tooth in the incident? Explain the ingredients of both offences [3 marks]

(20) A prosecutes B for a libel contained in a letter forming part of a correspondence Letters between the parties relating to the subject out of which the libel arose and forming part of the correspondence in which it is contained are sought to be tendered in evidence. B objects to it on the ground that those letters do not contain any libel. Are those letters relevant? State reasons [3 marks]

(21) The accused stated to the investigating officer as under: "I have concealed at the foot of a tree standing near the water tank at the place of occurrence the Malappuram knife with which I stabbed Soman with whom I had enmity for a long period. If I am taken there, I shall take out the knife." This statement is sought to be proved through the investigating officer. Comment. [3 marks]

(22) When is character relevant under the Indian Evidence Act? [3 marks]

(23) Write a note on examination of witnesses [3 marks]

(24) What is the procedure prescribed u/s.53 A of the Abkari Act for disposal of seized liquor and articles? [3 marks]

(25) Explain domestic violence? [3 marks]

(26) The husband physically assaulted the wife at her place of employment, as a result of which she sustained injuries. She was treated for injuries at a private hospital. She had to take leave for seven days. What are her remedies under the Protection of Women from Domestic Violence Act? [3 marks]

(27) What are the presumptions in a trial for the offence under Section 138 of the Negotiable Instruments Act? [3 marks]

(28) Compare and distinguish juvenile in conflict with law and child in need of care and protection

(29) What are the orders that may be passed regarding a juvenile who has been found to have committed an offence? [3 marks] [3 marks]

(30) What are the powers of a Forest Officer under the Kerala Forest Act? [3 marks]

(31) Mention seven offences u/s.27 of the Kerala Forest Act and the punishment thereof [3 marks]

(32) What is the procedure prescribed for releasing offenders on probation of good conduct? [3 marks]

(33) What is the procedure prescribed in respect of an offender who fails to observe the conditions of the bond executed u/s.4 of the Probation of Offenders Act? [3 marks]

(34) Mention seven offences u/s.118 of the Kerala Police Act [3 marks]

(35) What is the provision in the NDPS Act regarding bail? [3 marks]

Part III

Answer any 5 questions. Answers shall not exceed 250 words (2 pages). If more than 5 questions are answered the first 5 answers alone will be evaluated. (5 × 8 = 40 marks)

(36) Write an essay on the offence of theft [8 marks]

(37) Write notes on a) Cheating b) Offences relating to marriage u/ss 493 to 498 A IPC [8 marks]

(38) What is hearsay evidence? State the exceptions [8 marks]

(39) Discuss primary evidence and secondary evidence [8 marks]

(40) a) What are the duties and functions of Protection Officers and Service Providers under the Protection of Women from Domestic Violence Act? (4 marks b) Discuss the power of Court to grant interim and ex parte orders under the aforementioned Act (2 marks) y c) What is the provision regarding alteration of orders under the said Act? (2 marks [8 marks]

(41) Write notes on a) Observation Homes and Special Homes (3 marks b) Bail of juvenile (3 marks c) Removal of disqualification attached to conviction of juvenile (2 marks [8 marks]

(42) Discuss the duties and responsibilities of Police Officers under the Kerala Police Act [8 marks]

(43) Discuss criminal intimidation, insult and annoyance under the Indian Penal Code [8 marks]