Kerala Judicial Service Mains 2016 · Question papers

Paper III · compulsory paper

Marks: 100 · Duration: 3 hours

Part I

Answer all the questions. Answers to the questions in this Part should be marked only in the OMR Answer Sheet. Answers marked/written elsewhere will not be valued. (15 × 1 = 15 marks)

1. When a person joins an unlawful assembly armed with a deadly weapon, he commits:-

1 marks

A. an offence under Section 147 IPC
B. an offence under Section 148 IPC
C. an offence under Section 144 IPC
D. offences under Sections 147 & 148 IPC.

2. Which one of the following is not a grievous hurt?

1 marks

A. fracture of a tooth
B. dislocation of a tooth
C. privation of a joint
D. permanent disfiguration of body

3. Which one of the following is not a sexual harassment by a man within the meaning of Section 354A IPC?

1 marks

A. a demand or request for sexual favours
B. showing pornography to a woman
C. making sexually coloured remarks
D. showing pornography against the will of a woman

4. Whoever attempts to put any person in fear of injury in order to the committing of extortion, commits an offence under:-

1 marks

A. section 386 IPC
B. section 385 IPC
C. section 387 IPC
D. section 388 IPC EE _—

5. The burden of an accused to prove that the case comes within the General Exceptions:- ;

1 marks

A. should be beyond the shadow of doubt
B. should be beyond reasonable doubt
C. can be through preponderance of probabilities
D. none of the above

6. The credit of a witness may be impeached:-

1 marks

A. under Section 145 of the Indian Evidence Act
B. under Section 154 of the Indian Evidence Act
C. under Section 155 of the Indian Evidence Act
D. under Section 156 of the Indian Evidence Act

7. Which one of the following is not correct? Upon receipt of a final report from the Abkari Officer, the Magistrate shall straight away:- 1 marks

A. commit the case to Court of Session, after inquiry, if the offence is exclusively triable by Court of Session
B. commit the case to Court of Session if the offence is exclusively triable by Court of Session
C. inquire into such offence and try the accused, if the offence is not exclusively triable by Court of Session
D. try the accused after inquiry, if the offence is not exclusively triable by Court of Session, as if a case instituted upon a police report

8. If an offence under Section 138 of the Negotiable Instruments Act is committed by an Association, who should be the accused:- 1 marks

A. Every person in charge of and responsible to the conduct of the business of the Association and the Association
B. Every person in charge of and responsible to the conduct of the business of the Association
C. All the office bearers and members of the Association ;
D. The President and Secretary and all other office bearers of the Association

9. A protection order under The Protection of Women from Domestic Violence Act can be passed;- 1 marks

A. only when a domestic violence has taken place
B. only when a domestic violence is likely to take place
C. when a domestic violence has taken place or is likely to take place
D. None of the above

10. Which one of the following is not dereliction of duty by a Police Officer? 1 marks

A. pretends illness with a view to evading from duty
B. engaging in acts unbecoming of a Police Officer
C. guilty of cowardice
D. violates any rule or regulation

11. Prior permission of the Government is required:- 1 marks

A. for filing a suit against a Police Officer
B. for filing a suit against a Public Servant appointed under the Kerala Police Act.
C. for initiating criminal proceedings for an offence under the Kerala Police Act against a Police Officer.

D. for taking cognizance of an offence under the Kerala Police Act against a Police Officer.

12. The contravention in respect of a small quantity of cocaine, invites an offence under:- 1 marks

A. section 18(a) of the NDPS Act
B. section 21(a) of the NDPS Act
C. section 20(a) of the NDPS Act
D. section 22(a) of the NDPS Act EE EE EEE _____ ee

13. Which one of the following will not invite an offence under Section 27(1) of the Kerala Forest Act, 1961? 1 marks

A. cultivates in a reserved forest
B. cultivates in a land proposed to be constituted a reserve forest
C. attempt to set fire in a reserved forest
D. attempts to receive a forest produce illicitly removed from a reserved forest

14. The preliminary assessment in case of serious offences under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 shall be disposed of by the Board within ..... from the date of first production of the child before the Board. . 1 marks

A. one month
B. four months
C. three months
D. six months

15. The court directing the release of an offender under Sections 3 or 4 of the Probation of Offenders Act may order directing him :- 1 marks

A. to pay compensation for loss, with default sentence ;
B. to pay compensation for injury, with default sentence
C. to pay compensation for loss or injury, with default sentence
D. to pay compensation for loss or injury and also costs of the proceedings.

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. Answers to the questions in this Part should be written in the Common Answer Book. (15 × 3 = 45 marks)

16. Discuss the plea of insanity within the meaning of the Indian Penal Code. 3 marks

17. Discuss the offences under Sections 279, 337, 338 and 304A of the Indian Penal Code. 3 marks

18. Discuss the difference between the offence under Section 332 and the offence under Section 353 of the Indian Penal Code. 3 marks

19. What is grievous hurt? 3 marks

20. What is house trespass? Discuss the difference between the offences under Sections 451 and 452 of the Indian Penal Code. 3 marks

21. What is res justae? Discuss with illustration. 3 marks

22. Discuss the presumptions under Section 4 of the Indian Evidence Act. 3 marks

23. Discuss the provisions relating to confession to the Police, confession of an accused while in Police custody, its admissibility, and exception, if any. 3 marks

24. What things are liable to confiscation and how confiscation can be ordered under the Kerala Abkari Act? 3 marks

25. Give three instances of material alteration of cheques. What are its effects? 3 marks

26. What are the provisions relating to the offence under Section 138 of the Negotiable Instruments Act, when committed by a company, firm or other association of individuals? 3 marks

27. What are protection orders under the Protection of Women from Domestic Violence Act? EE EE _ ee 3 marks

28. What are the procedures to be followed by a Magistrate who is not empowered under the Juvenile Justice (Care and Protection of Children) Act, 2015, under Section 9 of the Act? 3 marks

29. Who is a "child in need of care and protection"? 3 marks

30. Discuss the offences under Section 116 of the Kerala Police Act, 2011. 3 marks

31. What are the powers to be exercised by a court in dealing with an offender who has failed to observe the conditions of the bond entered under Section 4 of the Probation of Offenders Act? 3 marks

32. Discuss the provisions under Sections 6 and 7 of the Probation of Offenders Act. 3 marks

33. What are the powers of a Magistrate in respect of property seized which are liable to confiscation in a forest offence? 3 marks

34. What are the conditions to be complied with under the Narcotic Drugs and Psychotropic Substances Act, 1985, for conducting the body search of a person? 3 marks

35. What are "charas" and "ganja"? What is the offence in contravention of the same, triable by a Magistrate? 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. Answers to the questions in this Part should be written in the Common Answer Book. (5 × 8 = 40 marks)

36. Write an essay on private defence. 8 marks

37. Write an essay on common intention and common object within the meaning of the Indian Penal Code. 8 marks

38. Exclusion of oral evidence by documentary evidence within the meaning of the Indian Evidence Act - comment. . of 7 7 . of 8 marks

39. What are the powers of a Magistrate under Section 53A and 53B of the Abkari Act? 8 marks

40. What are presumptions as to cheque as per the Negotiable Instruments Act? 8 marks

41. Discuss the powers, functions and _ responsibilities of the Juvenile Justice Board? 8 marks

42. Discuss the powers of a court under Sections 3 and 4 of the Probation of Offenders Act. 8 marks

43. What are nuisance and violation of public order, and the penalty for its violation, within the meaning of the Kerala Police Act? ke KK OK 8 marks