Kerala Judicial Service Mains 2017 · Question papers

Paper III · compulsory paper

Marks: 100 · Duration: 3 hours

Part I

Answer all the questions. Mark answers in the OMR Answer Sheet only. Answers marked or written elsewhere will not be valued. (15 × 1 = 15 marks)

(1) Which among the following offences is not punishable with a sentence of death ? [1 mark]

(A) Waging war against Government of India.

(B) Attempting to wage war against Government of India.

(C) Collecting arms, men or ammunition with the intention of waging war against Government of India.

(D) Abetment of committing mutiny by a soldier in the army, in consequence of which mutiny is committed.

(2) What is the maximum penalty that can be imposed on the respondent for breach of protection order granted by the Court under the Protection of Women from Domestic Violence Act. [1 mark]

(A) Imprisonment that may extent to one year or with fine upto Rs.20,000/- or both.

(B) Imprisonment that may extent to six months or with fine

(C) Imprisonment that may extend to 3 months or with fine

(D) Imprisonment that may extend to one month and fine upto Rs.20,000/-

(3) What is the maximum punishment for adultery under section 497 IPC. ? [1 mark]

(A) Imprisonment for 5 years or with fine or both.

(B) Imprisonment for 5 years and with fine.

(C) Imprisonment for 3 years and with fine.

(D) Imprisonment for 3 years or with fine or both.

(4) A Court cannot take judicial notice of which among the following facts? [1 mark]

(A) All laws in force in the territory of India.

(B) All public Acts passed by the Parliament of United Kingdom.

(C) All laws and personal laws of common wealth countries.

(D) The Rule of the road, on land or at sea.

(5) What is the punishment provided under section 229 A IPC to a person released on bail without sureties for failure-to appear in court? [1 mark]

(A) Imprisonment for one year or with fine or both.

(B) Imprisonment for 6 months or with fine or both.

(C) Imprisonment for 3 months or with fine or both .

(D) Imprisonment for one month or with fine or both.

(6) Contents of a document can be proved by ? [1 mark]

(A) Primary evidence only

(B) Secondary evidence only

(C) By oral evidence only

(D) Primary or by secondary evidence as under section 62 or 65 of the Evidence Act.

(7) What is the maximum punishment under Section 27(b) of NDPS Act? [1 mark]
(A) 6 months or fine upto Rs.10,000/- or both.
(B) 6 months and fine.
(C) 3 months or fine of Rs.5000/- or both.
(D) 1 month or fine of Rs. 5000/- or both.

(8) On what ground can an order passed under the Domestic Violence Act be altered ? [1 mark]
(A) Order has become unenforceable.
(B) Implementation of the order is cumbersome.
(C) Change in circumstance.
(D) Order is against public policy.

(9) To constitute an offence under section 306 IPC. There must be clear mens rea to commit offence and there ought to be .....? [1 mark]
(A) An indirect and positive conduct drawing the deceased to commit suicide.
(B) An active or direct act leading the deceased to commit suicide left with no option.
(C) An act done fully knowing that the deceased was hyper sensitive to ordinary petulance and that deceased was likely to commit suicide.
(D) A willful neglect likely to drive a person to commit suicide.

(10) How long will a protection order granted under section 19 of the Protection of Women from Domestic Violence Act be in force. [1 mark]
(A) Till both parties jointly apply for revocation.
(B) On the request of the respondent.
(C) Till aggrieved person applies for discharge.
(D) Till respondent applies for discharge.

(11) Which among the following fact does bankers' slip denoting dishonour produced in a proceeding under section 138 of Negotiable Instruments Act prima facie evidence ? [1 mark]
(A) Dishonour of the cheque.
(B) Complainant has presented the cheque.
(C) Complainant has an account in that bank.
(D) None of the above.

(12) In which circumstance can a court which released an offender on probation for misconduct, vary the condition on the basis of a report of probation officer? [1 mark]
(A) That offender has committed breach of the conditions of bond.
(B) Offender is likely repeat the offence.
(C) In the interest of offender and the public.
(D) Offender is likely to abscond.

(13) What is the duty of a Magistrate, not empowered to exercise powers of a Juvenile Justice Board, before whom a person who appears to be a child alleged to have committed an offence is brought?
(A) He shall direct the child to be produced to the Board. [1 mark]
(B) Assume powers of the Board and exercise such powers.
(C) Record his opinion without delay and forward the child immediately to the Board, along with record of proceedings.

(D) Forward the child immediately along with record of proceedings to be produced before the jurisdictional magistrate.

(14) If a child apprehended on an allegation of committing offence is not granted bail, where should the child be kept thereafter? [1 mark]
(A) In an observation home.
(B) In a Children home.
(C) In a place of Safety.
(D) In a special home.

(15) Who is competent to compound offences under section 113, 118 and 119(2) of Kerala Police Act in appropriate cases, before court has initiated action ? [1 mark]
(A) District Police Chief.
(B) State Police Chief.
(C) SHO of the concerned police station.
(D) None of the above.

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. Write answers in the Common Answer Book. (15 × 3 = 45 marks)

(16) What are the defences available to an accused in a prosecution for defamation under section 499 IPC ? [3 marks]

(17) Discuss the ingredients of voyeurism defined under IPC ? [3 marks]

(18) Briefly mention the duties of a protection officer under the Protection of Women from Domestic Violence Act ? [3 marks]

(19) Explain the nature of protection available to an Abkari Officer under section 72 of Abkari Act. [3 marks]

(20) Compare and distinguish the Powers of court under sections 3 and 4 of the Probation of Offenders Act ? [3 marks]

(21) What are the principles guiding the court for granting bail under the Abkari Act. [3 marks]

(22) Write notes on: a) Children's home. b) Open Shelter c) Observation home. [3 marks]

(23) Mention any five acts which are liable for penalty under section 118 of Kerala Police Act. [3 marks]

(24) What are the circumstances under which presumption under section 90 of Indian Evidence Act be drawn? [3 marks]

(25) An accused involved in an offence under section 55 (1) of Abkari Act was acquitted after trial. What will be the effect of acquittal on order of confiscation of vehicle under section 67B? Can the authorised officer proceed with confiscation proceedings? Answer with reasons. [3 marks]

(26) Critically analyse the legal impact of not impleading the company in a proceeding under section 138 of NI Act on a cheque issued by the company. [3 marks]

(27) What is the impact of the decision of the Supreme Court in Hiral. P.Hansora v. Kusum Narottamdas Hansora and others (2016 (5) KHC 15) on the definition of respondent under section 2 (q) of the Protection of Women from Domestic Violence Act 2005 ? [3 marks]

(28) Once an act of domestic violence is committed will a subsequent decree of divorce absolve the respondent from the duty to provide the benefit under the Protection of Women from Domestic Violence Act, on a contention that domestic relationship is not existing. Explain with authorities.

(29) Distinguish between the offences under section 324 and 325 of the Indian Penal Code? [3 marks]

(30) Write notes on Res Gestae. [3 marks][3 marks]

(31) What are the provisions relating to grant of bail to a person who is apparently a child alleged to be in conflict with law. [3 marks]

(32) What is the extent to which disclosure of professional communication is protected under the Indian Evidence Act. [3 marks]

(33) Discuss the extent of prohibition of identity of children in conflict with law, proceeded under the Juvenile Justice(Care and Protection of Children) Act 2015. [3 marks]

(34) Discuss the scope of exclusion of oral evidence by documentary evidence. [3 marks]

(35) What is the procedure contemplated under the Indian Evidence Act to impeach the credit of a witness. [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. Write answers in the Common Answer Book. (5 × 8 = 40 marks)

(36) What is the nature of exception provided under section 84 of the IPC? Is there any difference in the unsoundness of mind contemplated under law from that of medical unsoundness? [8 marks]

(37) Discuss the significant changes introduced by Act 13 of 2013 to the offence of rape under sections 375 to 376E of IPC. [8 marks]

(38) The scope of "shared household" as provided under the Protection of Women from Domestic Violence Act 2005 has been clarified by the various judicial pronouncements - comment. [8 marks]

(39) Discuss the scope of reliefs that can be granted by the Magistrate under the Protection of Women from Domestic Violence Act. [8 marks]

(40) What are the powers of a Magistrate under the Abkari Act to order confiscation of articles. [8 marks]

(41) Analyse the salient features of Juvenile Justice (Care and Protection of Children) Act 2015. How far it has improved over the earlier statute. [8 marks]

(42) Discuss the ambit of offence under section 498A IPC. Distinguish it from the ingredients of offence under section 304B IPC? [8 marks]

(43) Analyse the scope of section 27 of Indian Evidence Act. Refer to important judicial pronouncements. [8 marks]