Kerala Judicial Service Mains 2019 · 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) What is the period within which a complaint for an offence under Section 138 of the Negotiable Instruments Act,1881 shall be filed? [1 mark]

(A) Within 15 days of the date on which the cause of action arises.
(B) Within 30 days of the date on which the cause of action arises.
(C) Within one month of the date on which the cause of action arises.
(D) Within three months of the date on which the cause of action arises.

(2) When an offence under the Indian Penal Code is punishable with imprisonment as well as fine, what is the maximum term of imprisonment in default of payment of fine which may be awarded by the Court? [1 mark]

(A) one-third of the maximum term of imprisonment fixed for the offence.
(B) one-half of the maximum term of imprisonment fixed for the offence.
(C) three months.
(D) one-fourth of the maximum term of imprisonment fixed for the offence.

(3) What offence is committed, when a man assaults or uses criminal force to a woman with the intention of disrobing her? [1 mark]

(A) Section 354B of the Indian Penal Code.
(B) Section 354C of the Indian Penal Code.
(C) Section 354D of the Indian Penal Code.
(D) Section 353 of the Indian Penal Code.

(4) Which among the following facts is relevant under Section 9 of the Indian Evidence Act, 1872?

(A) Fact which constitutes a motive for committing an offence. [1 mark]
(B) Fact which is so connected with a fact in issue as to form part of the same transaction.
(C) Fact which is the immediate effect of a fact in issue.
(D) Fact which establishes the identity of a person whose identity is relevant.

(5) A protection order is an order passed in terms of which provision in the Protection of Women from Domestic Violence Act, 2005? [1 mark]

(A) Section 18 of the Act.
(B) Section 19 of the Act.
(C) Section 20 of the Act.
(D) Section 21 of the Act.

(6) What is the punishment provided for an offence under Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985? [1 mark]

(A) Simple imprisonment for a term which may extend to one year, or fine which may extend to ten thousand rupees, or both.

(B) Rigorous imprisonment for a term which may extend to ten years and fine which may extend to one lakh rupees.
(C) Rigorous imprisonment for a term which may extend to ten years, or fine which may extend to one lakh rupees, or both.
(D) Rigorous imprisonment for a term which may extend to one year, or fine which may extend to ten thousand rupees, or both.

(7) Breach of what order constitutes an offence under Section 31 of the Protection of Women from Domestic Violence Act, 2005? [1 mark]
(A) Residence order.
(B) Compensation order.
(C) Protection order.
(D) Custody order.

(8) 'A' intentionally gives a blow to 'B' with his hand causing only bodily pain to B. No visible injury was caused on the body of 'B'. What offence is committed by 'A'? [1 mark]
(A) Under Section 323 of the Indian Penal Code.
(B) Under Section 324 of the Indian Penal Code.
(C) Under Section 325 of the Indian Penal Code.
(D) Under Section 326 of the Indian Penal Code.

(9) The fact in issue in a case is whether A committed a crime at Kochi. During the trial, A proves that at the time when the crime was committed, he was at New Delhi. It is a relevant fact under which provision? [1 mark]
(A) Under Section 14 of the Indian Evidence Act.
(B) Under Section 11 of the Indian Evidence Act.
(C) Under Section 16 of the Indian Evidence Act.
(D) Under Section 6 of the Indian Evidence Act.

(10) When a person is found in an intoxicated manner at a public place, what offence is committed by him? [1 mark]
(A) Under Section 118 (e) of the Kerala Police Act, 2011.
(B) Under Section 118 (b) of the Kerala Police Act, 2011.
(C) Under Section 118 (c) of the Kerala Police Act, 2011.
(D) Under Section 118 (a) of the Kerala Police Act, 2011.

(11) When an offence is punishable with fine only, the imprisonment which may be imposed by the Court in default of payment of fine shall be — [1 mark]
(A) Simple imprisonment or rigorous imprisonment.
(B) Simple imprisonment only.
(C) Rigorous imprisonment only.
(D) No imprisonment in default of payment of fine shall be awarded.

(12) Which among the following is a wrong statement? [1 mark]
(A) Nothing is an offence which is done by a child under seven years of age.
(B) Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act.

(C) Nothing is an offence which is done in the exercise of the right of private defence.
(D) Nothing is an offence which is done by a child above seven years of age and under the age of twelve.

(13) What right of a woman in domestic relationship is protected under Section 17(1) of the Protection of Women from Domestic Violence Act, 2005? [1 mark]
(A) Right to seek maintenance from the husband.
(B) Right to reside in the shared household.
(C) Right to have custody of the child.
(D) Right to seek compensation for acts of domestic violence.

(14) To what matter privilege from disclosure in evidence is given under Section 125 of the Indian Evidence Act? [1 mark]
(A) Communication made to a public officer in official confidence.
(B) Communication made by a client to his lawyer.
(C) Source of information of a Magistrate or police officer as to commission of any offence.
(D) Communication made to spouse during the subsistence of marriage.

(15) Identify the odd one among the following in relation to Section 6 of the Probation of Offenders Act, 1958. [1 mark]
(A) Imprisonment.
(B) Character of the offender.
(C) Offence under Section 302 IPC
(D) Twenty-one years of age.

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 ingredients of the offence of theft? [3 marks]

(17) What are the pre-requisites for granting an ex-parte order under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005? [3 marks]

(18) Who is a child in conflict with law? [3 marks]

(19) Write a brief note on the presumptions provided under Sections 139 and 146 of the Negotiable Instruments Act,1881. [3 marks]

(20) What acts are made punishable under Section 27(1) (e) of the Kerala Forest Act, 1961? [3 marks]

(21) Write a brief note on Section 119 (1) of the Kerala Police Act. [3 marks]

(22) What is the distinction between 'wrongful restraint' and 'wrongful confinement'? [3 marks]

(23) What are the ingredients of the offence of cheating under Section 415 of the Indian Penal Code?

(24) What are the ingredients of the offence of 'criminal trespass'? [3 marks] [3 marks]

(25) Write a brief note on the offence punishable under Section 279 of the Indian Penal Code. [3 marks]

(26) What are public documents? [3 marks]

(27) What is the circumstance under which opinion as to handwriting becomes relevant under Section 47 of the Indian Evidence Act? When can a person is said to be acquainted with the handwriting of another? [3 marks]

(28) What are the circumstances under which previous bad character of an accused person becomes relevant? [3 marks]

(29) A, accused of committing an offence, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. What is the provision which states the burden of proof in this regard? Explain it. [3 marks]

(30) When a person is found in possession of stolen articles, what is the presumption that may be made by the Court and under what circumstances such presumption may be raised? [3 marks]

(31) Who are the persons competent to testify? [3 marks]

(32) What are the ways by which the credit of a witness can be impeached? [3 marks]

(33) What is grievous hurt? [3 marks]

(34) What are the ingredients of an offence punishable under Section 332 of the Indian Penal Code?

(35) What is an unlawful assembly? [3 marks][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 secondary evidence? When can secondary evidence be given? [8 marks]

(37) State and explain the statutory provisions regarding awarding of interim compensation to the complainant by the trial court in cases under Section 138 of the Negotiable Instruments Act? [8 marks]

(38) What are the orders which a court may pass under Section 4 of the Probation of Offenders Act? Explain the procedure? [8 marks]

(39) Write an essay on "residence orders" under the Protection of Women from Domestic Violence Act, 2005. [8 marks]

(40) Explain the expressions "may presume", "shall presume" and "conclusive proof" in Section 4 of the Indian Evidence Act? [8 marks]

(41) Explain the offence of defamation and state the exceptions provided to it under Section 499 of the Indian Penal Code? [8 marks]

(42) Explain the right of private defence of the body? [8 marks]

(43) Explain the scope of the power of a Judge to put questions to a witness? [8 marks]