Kerala Judicial Service (Mains) 2025

Paper III · compulsory paper

Marks: 100 · Duration: 3 hours

PART - I

Answer all the questions. Each question carries one mark. (Answers to the questions in this Part should be marked only in the OMR answer sheet. Answers marked/written elsewhere will not be evaluated) (1 x 15 = 15 marks)

(1) Nothing done by a child under .....years of age is an offence. [1 mark]

(A) five
(B) seven
(C) nine
(D) twelve

(2) On 31.07.2024, James was found in an intoxicated condition on a public road, incapable of looking after himself. James is liable to be prosecuted for the offence u/s..... [1 mark]

(A) 270 of BNS
(B) 126 of BNSS
(C) 118 (a) of the Kerala Police Act, 2011
(D) 268 of Indian Penal Code, 1860

(3) In respect of persons accused of offences u/ss. 19, 24 or 27-A of the N.D.P.S. Act, the reference to ninety days in s.167 of Cr.P.C shall be considered as reference to..... [1 mark]

(A) sixty days
(B) one hundred and twenty days
(C) one hundred and eighty days
(D) one year

(4) What kind of security can be insisted by the Court while temporarily releasing a vehicle used for committing an Abkari offence? [1 mark]

(A) Cash security
(B) Self bond
(C) Bond with two solvent sureties for the like sum
(D) The vehicle cannot be released

(5) Which new offence relating to group violence is specifically introduced in the Bharatiya Nyaya Sanhita, 2023? [1 mark]

(A) Cyber fraud
(B) Mob lynching
(C) Treason
(D) Domestic violence

(6) To what extent the confession of an accused can be used as evidence against the co-accused?

(A) To prove the basis of a conviction [1 mark]
(B) Cannot be used against the co-accused
(C) Can be used to tilt the balance against the co-accused when rest of evidence is sufficient for a

conviction
(D) The extent to which the same is relied on against the accused who made the confession

(7) Which provision in the Bharatiya Sakshya Adhiniyam, 2023 permits production of treatises containing opinions of experts for proving the same without examining the author? [1 mark]
(A) Section 54
(B) Section 55
(C) Section 56
(D) Section 58

(8) Which provision in the Bharatiya Sakshya Adhiniyam, 2023 shifts the burden to the accused to prove certain facts especially within his knowledge? [1 mark]
(A) Section 106
(B) Section 107
(C) Section 108
(D) Section 109

(9) Which provision in the Bharatiya Sakshya Adhiniyam, 2023 is an exception to the General Rule that hearsay is not admissible? [1 mark]
(A) Section 7
(B) Section 6
(C) Section 4
(D) Section 3

(10) The provisions in the NDPS Act creating reverse burden of proof on the accused are.....
(A) sections 45 and 64 [1 mark]
(B) sections 35 and 54
(C) sections 34 and 55
(D) sections 56 and 53

(11) Which offence is committed when a person interferes or attempts to interfere with an electoral right? [1 mark]
(A) Impersonation
(B) Bribery
(C) Undue influence
(D) Corrupt practice

(12) Can the wife of an accused be a competent witness in a criminal proceeding? [1 mark]
(A) She is competent, if she has the consent from her husband
(B) She is incompetent, even if she has the consent from her husband
(C) She is competent regardless of consent from her husband
(D) She is competent with the permission of the court

(13) The opinion of a handwriting expert is: [1 mark]
(A) An admissible fact but irrelevant
(B) A relevant fact
(C) Binding upon the court
(D) Inadmissible in evidence

(14) Which of the following statement is correct? [1 mark]
(A) In all thefts, there is either robbery or extortion
(B) In all robbery, there is either theft or extortion
(C) In all extortion, there is either theft or robbery
(D) Every theft of an article is an extortion

(15) When a juvenile is apprehended for commission of an offence, which of the following statement is correct? [1 mark]
(A) Bail cannot be denied to the juvenile under any circumstances
(B) Bail can be denied only if the offence is non-bailable and the juvenile is above 16 years of age
(C) Bail can be denied when the offence falls in the category of a heinous crime
(D) Bail can be denied in exceptional circumstances

Part - II

Answer any 15 questions. Answer shall not exceed 120 words (1 page). If more than 15 questions are answered, then the first 15 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book. (3 x 15 = 45 marks)

(16) Define 'mens rea' and its role in determining criminal liability. [3 marks]

(17) Explain the concept of criminal conspiracy u/s.120A and its punishment u/s.120B of Indian Penal Code, 1860. [3 marks]

(18) Ramu spreads false statements against Thomas, causing harm to his reputation. Which sections of the Indian Penal Code, 1860 are relevant in the prosecution of Ramu and what are the defences available to him? Explain. [3 marks]

(19) While hearsay evidence is generally inadmissible, 'res gestae' evidence is admissible. Why? [3 marks]

(20) Can a person be prosecuted simultaneously for the offences u/ss.406 and 420 of Indian Penal Code,1860? Discuss with the support of precedents. [3 marks]

(21) Is the previous good or bad character of an accused relevant in a criminal proceeding? Explain. [3 marks]

(22) Explain the standard of proof for rebutting the presumptions u/ss.118 and 139 of the Negotiable Instruments Act, 1881. [3 marks]

(23) Explain the maxim 'Falsus in uno, falsus in omnibus' in the Indian context. [3 marks]

(24) Explain the maxim 'Salus populi est suprema lex' with reference to s.129 of the Bharatiya Sakshya Adhiniyam, 2023. [3 marks]

(25) Explain the importance of dock identification of the accused and the duty of the trial Court at that stage. [3 marks]

(26) Can a Judicial Magistrate entertain an application u/s.53A of the Abkari Act? Explain. [3 marks]

(27) Explain the powers of the Court to release the vehicle u/s.53B of the Abkari Act. [3 marks]

(28) Is it proper to base a conviction on extra judicial confession? Explain the principles to be followed. [3 marks]

(29) Enumerate the principles to be applied for deciding the guilt of the accused in a case of circumstantial evidence. [3 marks]

(30) What is meant by a 'fact'? When is a fact said to be proved? Explain the terms 'proved', 'disproved', and 'not proved'. [3 marks]

(31) What is the distinction between legal presumptions and factual presumptions? [3 marks]

(32) Explain the term unlawful assembly. [3 marks]

(33) What is the effect of the absence of a forwarding note in a prosecution under the Abkari Act? [3 marks]

(34) Can a cheque issued as a security for a debt be the basis for a prosecution u/s.138 of the Negotiable Instruments Act, 1881? Discuss. [3 marks]

(35) Explain the principle of 'de minimis non curat lex' with reference to the statutory provision in India. [3 marks]

Part - III

Answer any 5 questions. Answer shall not exceed 250 words (2 pages). If more than 5 questions are answered, then the first 5 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book. (8 x 5 = 40 marks)

(36) Does right to life include the right to die? Should attempt to commit suicide be continued as a punishable offence? Discuss with the aid of precedents. [8 marks]

(37) Explain the right against self-incrimination on the basis of the decision in State of Bombay v. Kathi Kalu Oghad [AIR 1961 SC 1808]. [8 marks]

(38) Explain the procedure for contradicting a witness by his previous statement, in view of the judgment in Tahsildhar Singh and Another v. State of U.P. [AIR 1959 SC 1012]. [8 marks]

(39) Explain the doctrine of burden of proof in the context of a plea of unsoundness of mind by the accused. [8 marks]

(40) Can the result of a DNA test be used to prove access u/s. 112 of the Indian Evidence Act, 1872? Explain. [8 marks]

(41) Explain the distinction between s.113A and s.113B of the Indian Evidence Act, 1872. [8 marks]

(42) Explain the presumptions u/ss.139 and 146 of the Negotiable Instruments Act, 1881. [8 marks]

(43) Differentiate between 'culpable homicide' and 'murder'. [8 marks]