Kerala Munsiff-Magistrate Prelims 2023

High Court of Kerala · Held 14 May 2023 · 100 questions · 150 minutes · 200 marks · 1 mark deducted for each wrong answer

Preliminary Examination

Part A

1. A civil court shall have no jurisdiction over suits if the amount or value of the subject matter of such suits exceeds its pecuniary limits of ordinary jurisdiction. Section ..... of the Code of Civil Procedure, 1908 says so.

(A) 4
(B) 5
(C) 6
(D) 21

2. The Supreme Court of India in Dhulabhai v. State of Madhya Pradesh [AIR 1969 SC 78] laid down the principles governing .....

(A) res Judicata
(B) territorial Jurisdiction of civil courts
(C) suits relating to minors
(D) exclusion of Jurisdiction of civil courts

3. An agreement to sell an immovable property situated at Ernakulam was executed at Bangalore. The buyer resides at Kottayam. The seller resides at Kozhikode. The agreement fell through. The seller wants to file a suit for compensation. Where can he institute the suit and why?

(A) Kozhikode, since the seller resides there.
(B) Kottayam, since the buyer resides there.
(C) Bangalore, since the sale deed could be registered there only.
(D) none of the above.

4. "The principal sum adjudged would be the sum actually loaned plus the amount of interest on periodical rests which according to the contract between the parties or the established banking practice has stood capitalised. Interest pendente lite and future interest (i.e., interest post decree not exceeding 6 per cent per annum) shall be awarded on such principal sum, i.e., the principal sum adjudged on the date of the suit." A Constitution Bench of the Supreme Court of India held so in

(A) Central Bank of India v. Ravindra [(2002) 1 SCC 367]
(B) Canara Bank v. G S. Jayarama [(2022) 7 SCC 776]
(C) Dinesh Kumar Gupta v. General Manager 1, State Bank of India [(2018) 15 SCC 57]
(D) Bank of Baroda v. G. Palani [(2022) 5 SCC 612]

5. A decree holder seeks sale of a property belonging to the judgement debtor so as to realise the amount due under that decree. The property lies outside the Jurisdiction of the court which passed the decree. The judgement debtor raised an objection of lack of jurisdiction to the court which passed the decree. Which among the following is correct?

(A) The Court which passed the decree alone can order sale.
(B) Decree for realisation of money cannot be transferred to another court.
(C) Court where the property is situated alone can order sale.
(D) Order for transfer of decree has to be obtained from the District Court.

6. A decree passed by a Munsiff is modified by the High Court in Second Appeal. When the decree was put in execution, the judgement debtor questioned its executability by filing a petition under Section 47 of the Code of Civil Procedure, 1908. The decree holder would contend that such a question can be decided only by the High Court or In a separate suit. Choose the correct statement.

(A) Separate suits are the remedy.
(B) The High Court alone can decide the question.
(C) First appellate court has to decide the question.
(D) Court executing the decree has to decide the question.

7. A suit dismissed for default was restored. In the order allowing restoration, the plaintiff was directed to pay the defendant costs of Rs.20,000/-. Costs remained unpaid and hence the defendant filed an execution petition. It is

(A) not maintainable since it is not a decree
(B) maintainable in the light of the provisions of Section 36 of the Code of Civil Procedure, 1908
(C) maintainable if only the suit is dismissed after trial
(D) not maintainable since the remedy is to file an application under Section 151 of the Code of Civil Procedure, 1908

8. The court after trial found that the plaintiff is entitled to the declaration of title as claimed. But the court refused to grant a decree. Which among the following would be the reason?

(A) Sufficient court fees are not paid.
(B) Cause of action is not proved.
(C) Consequential relief is not claimed.
(D) Original title deed Is not produced.

9. 'A' Is a government servant. He has a monthly salary of Rs.31,000/-. He is the judgement debtor In a money suit. What portion of his salary is attachable in the execution of the decree?

(A) Rs.9,000/-
(B) Rs.8,000/-
(C) Rs.10,000/-
(D) Rs.7,000/-

10. (1) In a suit filed under Section 92 of the Code of Civil Procedure, 1908, leave of the court is a pre-condition for institution.
(2) In a representative suit under Order I, Rue 8 of the Code of Civil Procedure, 1908, leave of the court is not a pre-condition for institution.

(A) Statement 1 alone is correct.
(B) Statement 2 alone is correct.
(C) Statements 1 and 2 are incorrect.
(D) Statements 1 and 2 are correct.

11. The second suit was in respect of the same cause of action as that on which the previous suit was based; In respect of that cause of action the plaintiff was entitled to more than one relief; and having entitled to more than one relief, the plaintiff, without obtaining leave from the Court, omitted to sue for the relief for which the second suit had been filed. The above are to be proved by the defendant In order to establish bar.....

(A) under Section 11 of the Code of Civil Procedure, 1908
(B) under Order II Rule 2 of the Code of Civil Procedure, 1908
(C) under Order IX Rule 9(1) of the Code of Civil Procedure, 1908
(D) None of the above

12. What is meant by ‘registered address' used In the Code of Civil Procedure, 1908?

(A) Address of a party given in the vakalath
(B) Address to be furnished when a cheque application Is submitted
(C) Address to be furnished when a summons Is issued by registered post
(D) Address of a party given In the pleadings

13. Order VIII Rule 1 of the Code of Civil Procedure, 1908 stipulates that the defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence. The time stipulated in Order VIII Rule 1 is

(A) mandatory
(B) mandatory In money suits alone
(C) directory
(D) directory in money suits alone

14. In a suit, the defendant filed a counterclaim. When the suit and counterclaim are taken up for trial, the plaintiff failed to appear in court. What does the court do?

(A) Dismiss the suit and proceed with the counterclaim.
(B) Dismiss the suit and the counterclaim.
(C) Transpose the defendant as the plaintiff.
(D) Renumber the counter-claim as a new suit and proceed.

15. Where issues both of law and of fact arise in the same suit and the court is of the opinion that the case or any part thereof may be disposed of on an issue of ..... only, It may try that Issue first if that Issue relates to the jurisdiction of the court, or a bar to the suit created by any law for the time being in force.

(A) law
(B) Fact
(C) both law and fact
(D) Neither law nor fact

16. On the day to which the hearing of a suit is adjourned, the plaintiff alone appeared. The court, after recording his evidence, proceeded to decree the suit by answering the issues.

(A) Decree is one on merits and the only way to challenge it is to file an appeal.
(B) Decree Is one on merits and a revision Is the only option to challenge it.
(C) Decree is an ex parte one, but no application to set It aside will lie.
(D) Decree is an ex parte one and an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 will lie.

17. A notice under Order XXI Rule 37 of the Code of Civil Procedure, 1908 was served on the judgement debtor. He failed to appear in court. Hence the execution court recorded evidence of the decree holder. The court, on convincing that the judgement debtor has enough means to pay the decree debt, issued a warrant for his arrest. He was arrested and produced. The court,

(A) shall soon commit the judgement debtor to civil prison
(B) shall ask the decree holder to prove the means of the judgement debtor
(C) shall release the Judgment debtor since warrant was Issued without considering his evidence
(D) shall not commit unless a new warrant for arrest Is Issued after recording a fresh finding about his means

18. The plaintiff in a suit wants to admit In evidence a certified copy of a commission report obtained In another suit between the same parties. The plaintiff would contend that a report of the commissioner shall be evidence in the suit in the light of the provisions of Order XXVI Rule 10(2) of the Code of Civil Procedure, 1908, and hence the report shall be received in evidence. Can the report be admitted into evidence?

(A) Report can be admitted in evidence since it is a public document.
(B) Report cannot be admitted In evidence since It is submitted In another suit.
(C) Report can be admitted in evidence only if it is proved by examining the commissioner.
(D) Report cannot be admitted in evidence since it can be admitted in evidence only in the case in which it was obtained.

19. If an order of temporary Injunction is granted without notice to the defendant, the court shall ensure .

(A) recording of the reasons for Its opinion that the object of granting the injunction would be defeated by delay
(B) that the application for injunction together with the documents specified in this behalf are delivered on or sent to the defendant by registered post
(C) that an affidavit stating that such copies have been so delivered or sent Is submitted by the defendant
(D) All the above

20. A caveat shall be valid for

(A) 90 days from the date on which it was lodged
(B) 60 days from the date on which it was lodged
(C) 90 days from the date on which notice is served on the opposite party
(D) 60 days from the date on which notice is served on the opposite party

21. 'A' executed a promissory note on 01.01.2018 undertaking to pay Rs.20,00,000/- to 'B'. The debt remained unpaid. On 01.05.2022, 'A' executed another promissory note undertaking to pay the amount due under the promissory note dated 01.01.2018. 'B' filed suit based on the promissory note dated 01.05.2022. is the suit barred by the law of limitation?

(A) Yes. Since the debt due under the first promissory note is already barred by the law of limitation.
(B) Yes. A barred debt cannot be the consideration for a written Instrument.
(C) No. A barred debt can be the consideration for a written instrument.
(D) No. Since the suit Is based on original cause of action.

22. Which one of the following is not a novation of a contract?

(A) 'A' owes 'B' Rs.10,000/-. A' enters into an agreement with 'B' and gives 'B' a mortgage of 'A's estate for Rs.5,000/- In place of the debt of Rs. 10,000/-
(B) 'A' bid a tender for the construction of a bridge and executed the contract. 'A' and the employer later agree that once the bridge is constructed, 'A' shall be allowed to operate the bridge for twenty years.
(C) If 'A' and 'B' who are the parties to a contract agree not to perform the contract.
(D) 'A' and 'B' are parties to a contract. They and 'C' agree that 'B' together with 'C' will perform the contract.

23. The suit is one for compensation for breach of contract. In the contract, a penalty of Rs. 10,00,000/- is stipulated in case the contract is broken. The defendant admitted non-performance but denied any loss to the plaintiff. The court decreed the suit for Rs.10,00,000/- holding that since the defendant admitted non-performance, no further enquiry is permissible. The decree is,

(A) correct, since an enquiry regarding actual damages is impermissible In a case where the penalty amount is quantified
(B) correct, since the court is bound to grant a decree for the amount of penalty fixed In the contract and an enquiry In that respect is Inconsequential
(C) incorrect, since the parties have no right to stipulate the penalty amount in a contract
(D) Incorrect, since liability of the defendant is to pay reasonable compensation not exceeding the amount of penalty stipulated in the contract

24. A suit is instituted for a decree to declare that a contract is invalid since it is tainted by undue influence. No further relief is claimed. If a decree of declaration is granted, which among the following is correct?

(A) Undue Influence vitiates the contract making it void and therefore the decree Is incorrect.
(B) Undue influence vitiates the contract making it voidable and therefore the decree is incorrect.
(C) Undue Influence vitiates the contract making It void and therefore the decree is correct.
(D) Undue Influence vitiates the contract making it voidable and therefore the decree Is correct.

25. In a suit for realisation of money, the second defendant-surety contended that without his knowledge the first defendant-principal debtor alienated the hypothecated property and hence he is not liable for the debt. The contention of the second defendant is .

(A) valid, since he Is discharged under Section 139 of the Contract Act, 1872
(B) Invalid, since liability of the surety is coextensive to that of the principal debtor
(C) Invalid, since both defendants are disbarred from raising such contention under Section 139 of the Contract Act, 1872
(D) valid, since he is discharged under Section 139 of the Transfer of Property Act, 1882

26. A person who came In possession of a cheque for consideration is its

(A) holder
(B) drawee
(C) holder In due course
(D) Drawer

27. The Supreme Court of India in ..... held as follows; "If present and prevalent market rent assessed and fixed between the parties is paid by the tenant, then landlord shall not be entitled to bring any action for eviction against such a tenant at least for a period of 5 years," Which is that decision?

(A) Shehammal v. Hasan Khani Rawther and others [(2011) 9 SCC 223]
(B) Hafeeza Bibi and others v. Shaikh Farid (Dead) by LRs. and others [(2011) 5 SCC 654]
(C) Mohammad Ahmad v. Atma Ram Chouhan [(2011) 7 SCC 755]
(D) Safiya Bee v. Mohammed Vajahath Hussain alias Fasl ((2011) 2 SCC 94]

28. A landlord wants to reconstruct his shop building, which Is In occupation of a tenant, and after reconstruction, the landlord needs to occupy it for his residential purpose. Choose the provision of the Kerala Buildings (Lease and Rent Control) Act, 1965 under which he has to apply for eviction?

(A) Section 11(2)
(B) Section 11(3)
(C) Section 11(4)(iv)
(D) Section 11(8)

29. A promissory note Is lost from the possession of the payee. He filed a suit based on the lost promissory note. If there arises a dispute as to whether the lost promissory note is duly stamped, what shall be the legal consequence?

(A) No suit shall lie on a lost promissory note and hence the defendant has no burden.
(B) A lost promissory note is presumed to be insufficiently stamped and therefore the plaintiff has to prove that It was duly stamped.
(C) The plaintiff has to prove that the lost promissory note was duly stamped since he claims a decree.
(D) The plaintiff has no initial burden since it can be presumed that a lost promissory note was duly stamped.

30. One of the conditions to constitute an offence under Section 138 of the Negotiable Instruments Act. 1881 Is that the payee or the holder In due course of the cheque makes a demand by giving a notice in writing for the payment of the amount to the drawer of the cheque, within ~

(A) 60 days of the receipt of information from the Bank regarding the return of the cheque
(B) 30 days of the receipt of Information from the Bank regarding the return of the cheque
(C) 60 days of the date of dishonour of the cheque
(D) 30 days of the date of dishonour of the cheque

31. A co-mortgagor filed a suit for redemption and redeemed the entire property. Which of the following is the appropriate remedy available to the other co-mortgagor?

(A) File a suit for mandatory Injunction directing delivery of possession of his share.
(B) File a suit for partition to get his share in the property on making payment of the proportionate redemption price.
(C) File a suit for recovery of possession of his share.
(D) File a suit for redemption In respect of his share on making payment of the proportionate redemption price.

32. The defendant purchased land and constructed a residential house. His vendor's title was defective and the claim of the plaintiff to set aside the title deed and recovery of possession was allowed. The claim of the defendant for compensation was denied by applying the rule in 'quicquid plantatur solo, solo cedit'. That decision is,

(A) correct, since that rule Is applicable in India
(B) incorrect, since that rule is applicable in India
(C) correct, since that rule is not applicable in India
(D) Incorrect, since that rule Is not applicable in India

33. Section 53 of the Transfer of Property Act, 1882 stipulates that a suit instituted by a creditor to avoid a transfer on the ground that it has been made with intent to defeat or delay the creditors of the transferor shall be instituted on behalf of, or for the benefit of, all the creditors. If the transferee files a claim petition when that property is attached before judgement in that suit,

(A) the plaintiff's only remedy is to file a separate suit on behalf of all the creditors In a representative capacity
(B) the plaintiff has to wait till the passing of a decree in his suit and then file a fresh suit
(C) the plaintiff can resist the claim petition by raising contentions available under Section 53 of the Transfer of Property Act, 1882
(D) the plaintiff has no remedy since the transfer was before the Institution of the suit.

34. An agreement to sell does not, by itself, create any interest In or charge on the immovable property. But the buyer Is entitled to a charge on the property to the extent of the seller's interest in the property unless the buyer has Improperly declined to accept delivery of the property,

(A) only if the agreement Is registered
(B) only if possession of the property Is delivered to the buyer
(C) for the amount of any purchase money paid by the buyer
(D) for the balance sale consideration

35. 'A' is in occupation of a building as the tenant Landlord 'B' entered Into an agreement to sell that building and appurtenant land to A'. Later 'B‘ filed a petition for eviction under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965. The defence of 'A' is that he filed a suit for specific performance of the contract and he Is not liable to be evicted.

(A) The contention is tenable since a court where the suit for specific performance is pending alone can decide the question of eviction.
(B) The contention is tenable since 'B‘ lost the title as landlord on his entering into a contract for sale.
(C) The contention is untenable since the contract for sale was entered into before the filing of the petition for eviction.
(D) The contention is untenable since the contract for sale does not divest the title of 'B' as the landlord.

36. Attestation of a gift deed is in question. It is invalid, .

(A) if the witnesses have not seen the executant executing the Instrument.
(B) if attested by three witnesses.
(C) if the witnesses did not attest the execution of the Instrument at the same time.
(D) If the attesting withesses do not personally know the executant.

37. A landlord forcibly dispossessed the tenant. His immediate remedy to get back possession is ....

(A) to sue under Section 6 of the Specific Relief Act, 1963
(B) to approach the Accommodation Controller under Section 13 of the Kerala Buildings (Lease and Rent Control) Act, 1965
(C) to apply for restitution under Section 144 of the Code of Civil Procedure. 1908
(D) to apply for restoration of possession under Section 33 of the Kerala Buildings (Lease and Rent Control) Act, 1965

38. Blu-ray Is an Industrial concern. Govind Is an artist working in Blu-ray. His services were terminated before the expiry of the period of the contract. He filed a suit for a mandatory injunction to continue his services. The suit is,

(A) maintainable, since mandatory Injunction claimed Is to prevent a breach of an obligation
(B) maintainable, since the bar under Section 41 of the Specific Relief Act, 1963 is not applicable
(C) not maintainable, since a mandatory injunction cannot be granted to enforce a contract, which is so dependent on personal qualifications
(D) not maintainable, since no declaration Is asked for

39. The contract Is to sell ⅓ share in an Immovable property. Appropriate relief to be claimed in a suit for getting title and possession of the property is,

(A) specific performance
(B) partition
(C) specific performance and recovery of possession
(D) specific performance and partition

40. The relief claimed In the suit is a direction to the defendant to execute a proper conveyance deed In terms of the decree of specific performance. The suit Is .....

(A) maintainable being the remedy claimed is appropriate
(B) not maintainable, since it is barred under the provisions of Section 28 of the Specific Relief Act, 1963
(C) maintainable, since Section 28 of the Specific Relief Act, 1963 contemplates such a suit
(D) not maintainable, since It Is barred under the provisions of Section 41 of the Specific Relief Act, 1963

Part B

41. A complaint alleging an offence punishable under Section 324 of the Indian Penal Code, 1860 is filed before a Magistrate. After perusing the complaint, the Magistrate required the complainant to be present along with his witnesses for giving their statements on oath, and posted the complaint on the next day. What judicial process had thereby taken place?

(A) Magistrate took cognizance of the offence.
(B) Magistrate postponed the decision on the question as to whether cognizance has to be taken.
(C) Magistrate formed an opinion that prima facie there is no material to proceed with.
(D) Magistrate decided to hold a trial.

42. Ordinary mode of serving summons issued from a court of Judicial Magistrate of the First Class in the State of Kerala is

(A) by registered post
(B) through an officer of the court
(C) through a police officer
(D) by ordinary post

43. A person is arrested by a customs officer in the exercise of powers of under Section 104 of the Customs Act, 1962. When he was produced before a Magistrate, he contended that there Is no provision In the Customs Act empowering the Magistrate to send him to judicial custody. Magistrate accepted that contention but ordered to send him to judicial custody. The action of the Magistrate is

(A) correct, in view of the provisions under Section 41(2) of the Code of Criminal Procedure, 1973
(B) correct, In view of the provisions under Section 4(2) of the Code of Criminal Procedure, 1973
(C) incorrect, In view of the provisions under Section 167 of the Code of Criminal Procedure, 1973
(D) incorrect, in view of the provisions under Section 57 of the Code of Criminal Procedure, 1973

44. ..... in view of the provisions under Section 85(3) of the Code of Criminal Procedure, 1973, if a person whose property has been attached and placed at the disposal of the State Government appears voluntarily or arrested and he proves to the satisfaction of the court that he did not abscond or conceal himself for the purpose of avoiding the execution of warrant, such property be delivered to him after satisfying all costs incurred in consequence of the attachment.

(A) within a period of 6 months
(B) at any time
(C) within 1 year
(D) within 2 years

45. Section 41(1)(d) of the Code of Criminal Procedure, 1973 empowers a police officer to arrest without an order from a Magistrate and without a warrant, a person in whose possession anything Is found, which may reasonably be suspected to be a stolen property. A person is arrested under section 41(1)(d) of the Code and produced before a Magistrate. The Magistrate remanded him to judicial custody. If an application for releasing him on bail Is filed, the Magistrate

(A) cannot release him on bail without hearing the prosecution, since he has committed a non-bailable offence
(B) cannot release him on bail until it is established whose property was with him
(C) shall release him on bail, since there Is no allegation of commission of any offence
(D) shall release him on ball since he has committed only a bailable offence

46. 'X' reached a police station and gave to the officer in charge of that police station a statement that 'Z' slapped him causing excruciating pain. What shall the officer do?

(A) Register a crime Immediately and start Investigation.
(B) Ask 'X' to approach the Magistrate.
(C) Conduct a preliminary enquiry and then register a crime.
(D) Send 'X' immediately to a hospital for treatment and then register a crime.

47. Section 162 of the Code of Criminal Procedure, 1973 says that no statement made by any person to a police officer In the course of an investigation shall be used for any purpose, save as provided In that Section. Which among the following is the correct statement, in the context of Section 145 of the Evidence Act, 1872?

(A) To contradict him by asking whether he was questioned by police.
(B) To corroborate by Inviting his attention to the statement made to police intended to be corroborated.
(C) To contradict him by inviting his attention to the statement made to police intended to be contradicted.
(D) To corroborate him by asking whether he has given such a statement before police.

48. While a Munsiff was holding a sitting, Mr.'X' Intentionally caused Interruption to the proceedings In the court and thereby committed an offence punishable under Section 228 of the Indian Penal Code, I860. The Munsiff can - 1. take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause, sentence Mr.'X' to pay a fine not exceeding two hundred rupees; 2. make a complaint in writing against Mr.'X' and send it to a Magistrate having jurisdiction; 3 cause to arrest Mr.'X' and forward him to police with a direction to register a case, investigate and file a final report.

(A) Options 1 and 2 are correct
(B) Option 1 is correct
(C) Option 2 Is correct
(D) Options 1 to 3 are correct

49. Find out the odd one from statements (A) to (D).

(A) All persons accused of the same offence committed In the course of the same transaction can be tried together,
(B) All persons accused of similar offences committed by them within the period of twelve months can be tried together.
(C) All persons accused of three offences of the same kind, committed by them Jointly within the period of twelve months can be tried together,
(D) All persons accused of different offences committed In the course of the same transaction can be tried together.

50. Mr.'A' Is accused of an offence punishable under Section 420 of the Indian Penal Code, 1860. He filed a petition claiming discharge under Section 239 of the Code of Criminal Procedure, 1973. He produced three documents which clearly exculpate him of the offence. The Magistrate in the light of those documents discharged Mr.'A'. The order

(A) is correct
(B) can be correct or wrong depending upon the facts of the case
(C) being a discretionary one, It has to be treated as correct
(D) Is wrong

51. The offence alleged against the accused is under Section 138 of the Negotiable Instruments Act,1881. When the matter was taken up for recording the plea of the accused, the Magistrate was convinced that the materials were insufficient to constitute the offence. The Magistrate, therefore, stopped the proceedings under Section 258 of the Code of Criminal Procedure, 1973 and discharged the accused. The order is

(A) correct since it Is a summons case
(B) incorrect since it is a warrant case
(C) Incorrect since it is a complaint case
(D) incorrect since the accused was discharged instead he being acquitted

52. , The Magistrate shall, as the examination of each witness proceeds, make a memorandum of the substance of the evidence In the language of the Court. This procedure applies to

(A) warrant cases
(B) summons cases
(C) summary trials
(D) all the above

53. Pardon under Section 306 of the Code of Criminal Procedure, 1973 can be tendered by a Chief Judicial Magistrate at any stage of the investigation or inquiry into, or the trial of the offence, whereas pardon can be tendered by a Judicial Magistrate of the First Class at any stage of the

(A) inquiry into, or the trial of the offence
(B) inquiry into the offence
(C) trial of the offence
(D) investigation of the offence

54. A Magistrate recorded part of the evidence during the trial of a case. The successor Magistrate may act on the evidence so recorded by his predecessor if (I) It is a summary trial (ii) it is a case transferred for want of competency to the predecessor Magistrate

(A) (I) Is correct
(B) (li) Is correct
(C) (i) and (ii) are correct
(D) (i) and (ii) are incorrect

55. Section 354(4) of the Code of Criminal Procedure, 1973 says that when the conviction is for an offence punishable with Imprisonment for a term of one year or more, but the court Imposes a sentence of imprisonment for a term of less than (1) , it shall record Its reasons for awarding such sentence, unless the sentence is one of (2) or unless the case was tried summarily under the provisions of the Code.

(A) 6 months..(I)..; imprisonment till the rising of the Court ..(2)..
(B) 6 months ..(I)..- fine only ..(2)..
(C) 3 months ..(1)..: fine only ..(2)..
(D) 3 months.41)..; imprisonment till the rising of the Court ..(2)..

56. 90 days is the period provided for completing the investigation, failing which the accused Is entitled to get default ball under the proviso to Section 167(2) of the Code of Criminal Procedure, 1973, if the offence is punishable with imprisonment for a term not less than 10 years. In which case, the Supreme Court of India Interpreted that the period of imprisonment for the above purpose shall be a minimum of 10 years?

(A) Bhuplnder Singh v. Jarnail Singh [(2006) 6 SCC 277]
(B) Rakesh Kumar Paul v. State of Assam [(2017) 15 SCC 67]
(C) Prakash Singh v. Union of India [(2006) 8 SCC 1)
(D) Sanjay Dutt v. State [(1994) 5 SCC 410]

57. An accused who was released on bail failed to appear before the Magistrate on successive dates of posting. The Magistrate invoking the provisions of Section 446 of the Code of Criminal Procedure, 1973 issued notice to the sureties calling upon them to pay the penalty or to show cause why the penalty should not be paid. The sureties appeared and contended that the action taken against them is Illegal since no notice asking them to produce the accused was given. Decide.

(A) Action is Illegal, since such a notice is mandatory under Section 446 of the Code of Criminal Procedure, 1973, but was not given.
(B) Action is legal if the case is a summons case.
(C) Action is legal, since Section 446 of the Code of Criminal Procedure, 1973 does not contemplate such a notice.
(D) Action is Illegal if the case Involves a Sessions offence.

58. In a ..... offence accused can be arrested by a police officer without a warrant.

(A) cognizable
(B) non-bailable
(C) warrant case
(D) sessions case

59. Criminal misappropriation of property is the offence. The Magistrate convicted and sentenced the accused to the maximum prescribed sentence of two years Imprisonment. The accused was not heard on the question of sentence. Did the Magistrate go wrong?

(A) Yes, since it is a warrant case,
(B) Yes, since it is a summons case.
(C) No, since it is a warrant case.
(D) No, since it is a summons case

60. Punishment prescribed for an offence under a special statute is Imprisonment for a period of 7 years. There is no provision in the statute stating which court has to try that offence, if so, that offence is triable by which court?

(A) Judicial Magistrate of the Second Class
(B) Judicial Magistrate of the First Class
(C) Sessions Court
(D) Special Court

61. Section 300 of the Indian Penal Code, 1860 defines murder. It does not express that a child under seven years of age cannot commit murder, if so, why do we say that Section 82 of the Penal Code which excepts acts done by a child under seven years of age from the purview of offences applies to murder and other offences under the Penal Code?

(A) By the application of Section 5 of the Indian Penal Code, I860,
(B) By the application of Section 6 of the Indian Penal Code, I860.
(C) By the application of Section 76 of the Indian Penal Code, I860.
(D) By the application of Section 9 of the Indian Penal Code, I860

62. Section 84 of the Indian Penal Code, 1860 says that nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind,

(A) is capable of knowing the nature of the act
(B) is Incapable of knowing that he is a person of unsound mind.
(C) is capable of knowing that the act he is doing is either wrong or contrary to law
(D) Is Incapable of knowing the nature of the act, or that he Is doing what is either wrong or contrary to law

63. Five persons stood trial on a charge under Sections 143, 147, 148 and 326 read with 149 of the Indian Penal Code, 1860. The Magistrate acquitted all the accused, holding that the prosecution failed to prove the involvement of five persons but proved the involvement of only two among them and they together did the crime. Choose the correct remark from the following.

(A) Magistrate should have altered the charge and retry those two accused
(B) Magistrate had no other option
(C) Magistrate could have convicted those two accused
(D) Magistrate should have ordered reinvestigation

64. 'A' made a false entry in an account book for the purpose of using it as evidence to support his claim In a suit and produced it In a court. What offence would thereby be constituted?

(A) Fabrication of false evidence
(B) Giving of false evidence
(C) Fraud
(D) Cheating

65. A taxi driver picked up a quarrel with the accused on the taxi fare. The Injured Intervened and tried to stop the quarrel. The accused fisted the injured on his face. He received a bleeding injury and lost a tooth. What is the offence committed by the accused?

(A) Voluntarilycausing hurt
(B) Voluntarily Causing grievous hurt
(C) Voluntarily causing hurt on sudden provocation
(D) Voluntarily causing grievous hurt on sudden provocation

66. The accused forcibly grabbed the arm of the victim, aged 25 years, dragged him Into s car, took him to the house of the accused 5 kms. away and, after 3 hours, let him off. What offences had the accused committed?

(A) Kidnapping and wrongful restraint
(B) Abduction, assault and wrongful confinement
(C) Kidnapping and wrongful confinement
(D) Abduction, assault and wrongful restraint

67. A theft becomes robbery if, in order to the committing of the theft, or in committing the theft, or In carrying away or attempting to carry away property obtained by the theft, the offender, for that end,

(A) voluntarily causes or attempts to cause to any person death or hurt
(B) voluntarily causes or attempts to cause to any person wrongful restraint
(C) voluntarily causes or attempts to cause to any person fear of instant death or of instant hurt, or of instant wrongful restraint
(D) All the above

68. A gang of seven persons committed dacoity and murder. They shall be

(A) sentenced for murder alone
(B) sentenced separately for murder and dacoity
(C) sentenced separately for murder and dacoity with murder
(D) sentenced for dacoity with murder alone

69. A' finds a purse containing Rs.10,000/- lying on the public road. A took it. Afterwards, he knew that it belongs to another. However, he spent the money. Has he committed any offence?

(A) Yes, criminal misappropriation of property
(B) No offence
(C) Yes, theft
(D) Yes, Criminal breach of trust

70. Which among the following combination constitutes an offence of cheating?

(A) Deception and delivery of property
(B) Deception and fraudulent or dishonest Inducement
(C) Deception, fraudulent or dishonest inducement and delivery of property
(D) Fraudulent or dishonest Inducement and delivery of property

71. Choose the provision in the Indian Evidence Act, 1872 which makes the report of a test Identification parade relevant.

(A) Section 6
(B) Section 8
(C) Section 9
(D) Section 46

72. The inscription on a plaque placed on a bridge at the time of its Inauguration is

(A) opinion evidence
(B) documentary evidence
(C) oral evidence
(D) not evidence

73. 'A' filed a suit against 'B' to restrain him from trespassing on the land of 'A'. 'B' alleged the existence of a pathway along that land and he succeeded. Subsequently, 'A' filed a suit relating to the same land against *C. What Is the use of the judgement In the suit between 'A' and 'B' in the suit between 'A' and 'C' insofar as the existence of the pathway Is concerned?

(A) The judgement is relevant
(B) The judgement Is irrelevant
(C) The judgement Is conclusive proof
(D) The judgement bars the trial of the suit between 'A' and 'C'

74. Choose the incorrect statement.

(A) In criminal proceedings, the fact that the accused person is of good character is relevant.
(B) In criminal proceedings, the fact that the accused person has a bad character is irrelevant unless evidence has been given that he has a good character, In which case it becomes relevant.
(C) A previous conviction of the accused is relevant as evidence of bad character.
(D) In criminal proceedings, the fact that the accused person Is of good character is irrelevant.

75. An attested document, which is not required by law to be attested, may be

(A) proved by calling at least one of the attesting witnesses
(B) proved as if It was unattested
(C) cannot be proved even if an attesting witness Is examined
(D) received in evidence without formally proving It

76. Parol evidence rule bars extrinsic evidence, Including prior or contemporaneous oral agreements, that contradict or create a variation of a term In the written agreement. This rule is embedded In Section ..... of the Indian Evidence Act, 1872.

(A) 60
(B) 63
(C) 92
(D) 104

77. A child of ..... age Is incompetent to be a witness in a court of law.

(A) 7
(B) 12
(C) 10
(D) None of the above

78. 'X' stated during the police Investigation that he saw 'A' robbing the house. In court, 'X' deposed that he saw both 'A' and 'B' robbing the house. What Is the exact legal terminology, If the defence uses that evidence as provided in Section 155(3) of the Indian Evidence Act,1872?

(A) An omission amounting to a contradiction
(B) Corroboration by contradiction
(C) Contradiction of character
(D) Explanation of lacuna in evidence

79. The testimony of a witness can be corroborated by a former statement made by such witness relating to the same fact, if such a former statement was made, (I) at or about the time when the fact took place. (il) before any authority legally competent to Investigate the fact.

(A) Statement (i) Is correct
(B) Statement (ii) Is correct
(C) Statements (I) and (ii) are correct
(D) Statements (I) and (ii) are incorrect

80. As per Section 68 of the Indian Evidence Act, 1872 if a document Is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution. This rule is subject to the proviso that such proof is needed in the case of a duly registered document if its execution by the person by whom it purports to have been executed is specifically denied. Which document is excluded from the said proviso?

(A) Mortgage
(B) Will
(C) Gift
(D) Sale

Part C

81. Which judgment pronounced by the Supreme Court of India laid down guidelines regarding holding of trial of child sex abuse and rape?

(A) Bachan Singh v. State of Punjab [(1980) 2 SCC 684]
(B) Mohinder Singh v. State of Punjab [(2013) 3 SCC 294]
(C) Sakshi v. Union of India [(2004) 5 SCC 518]
(D) Vishaka v. State of Rajasthan [(1997) 6 SCC 241]

82. The first Attorney General of India was

(A) C.K. Daphtary
(B) M.C. Setalvad
(C) Nani A. Palkhiwala
(D) Soli Sorabji

83. In which case, the Supreme Court of India held that the power of the Parliament to amend the Constitution under Article 368 also includes the power to amend Fundamental Rights.

(A) Kesavananda Bharati v. State of Kerala [(1973) 4 SCC 225]
(B) Shankari Prasad Singh v. Union of India [AIR 1951 SC 458]
(C) Minerva Mills v. Union of India [(1980) 3 SCC 625]
(D) Sajjan Singh v. State of Rajasthan [AIR 1965 SC 845]

84. As per Article 234 of the Constitution of India, appointments of persons other than district judges to the judicial service of a State shall be made by the ..... in accordance with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

(A) Governor of the State
(B) Chief Minister of the State
(C) Chief Secretary of the State
(D) Home Secretary of the State

85. The Supreme Court of India comprises the Chief Justice and ..... other Judges.

(A) 31
(B) 32
(C) 33
(D) 34

86. Whose autobiography is 'Roses in December'?
(A) Leila Seth
(B) M.C. Chagla
(C) Fali S. Nariman
(D) H.R. Khanna

87. Which Schedule was added to the Constitution by the Constitution (First Amendment) Act, 1951?
(A) 8th Schedule
(B) 9th Schedule
(C) 12th Schedule
(D) 14th Schedule

88. Autrefois acquit" is a term embedded In .....
(A) Article 20 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
(B) Article 21 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
(C) Article 21 of the Constitution of India and Section 301 of the Code of Criminal Procedure, 1973
(D) Article 20 of the Constitution of India and Section 301 of the Code of Criminal Procedure, 1973

89. Evidence of how many witnesses is required to prove an offence of dacoity?
(A) 2
(B) 5
(C) 7
(D) none of the above

90. What is the period of limitation for taking cognizance of an offence punishable with imprisonment for a term of two years and a fine of Rs. 1,00,000/-?
(A) one year
(B) two years
(C) three years
(D) no period of limitation

91. Melt: Liquid; Freeze:
(A) Ice
(B) solid
(C) condense
(D) shrink

92. A fruit seller had some mangoes. He sells 35% mangoes and still has 455 mangoes. Originally, he had:
(A) 648 mangoes
(B) 600 mangoes
(C) 672 mangoes
(D) 700 mangoes

93. Today is Sunday. After 98 days, it will be:
(A) Monday
(B) Wednesday
(C) Saturday
(D) Tuesday

94. A boat can move from point A to point B upstream in 40 minutes. The same boat can travel from point B to point C, which is the exact middle point between A and B, in 12 minutes. The speed of the river is 1 Kilometre per hour. What is the speed of the boat in still water?
(A) 2 Kilometre per hour
(B) 3 Kilometre per hour
(C) 4 Kilometre per hour
(D) 5 Kilometre per hour

95. The rate of simple Interest Is 7% per annum. How much time will it take for an amount of Rs.45,000 to yield Rs.11025 as Interest?
(A) 4.5 years
(B) 3.5 years
(C) 4 years
(D) 5 years

96. A first Information statement recorded under Section 154 of the Code of Criminal Procedure, 1973 ordinarily is
(A) Substantive evidence
(B) Opinion evidence
(C) Expert evidence
(D) Corroborative evidence

97. Look at this series: 2, 5, 10,17, 26, What number should come next?
(A) 37
(B) 39
(C) 42
(D) 49

98. Which legal maxim means 'an unclear word or phrase should be determined by the words immediately surrounding it'?

(A) Ejusdem generis
(B) Jus cogens
(C) Noscitur a sociis
(D) Ne bis in idem

99. A High Court shall have the power to issue writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, for the enforcement of

(A) any legal right
(B) any human right
(C) a right conferred by any Statute
(D) any right conferred by Part III of the Constitution of India

100. The Chief Justice of India shall be the ..... of the National Legal Services Authority constituted under Section 3 of the Legal Services Authorities Act, 1987.

(A) Chairperson
(B) Patron-In-Chief
(C) President
(D) Co-chairperson

De Facto IAS