Madhya Pradesh Civil Judge (Mains) 2022

Third Question Paper · Local Laws, Criminal Law & Procedure · compulsory paper

Total No. of Questions: 18 · Time Allowed: 03:00 Hours · Maximum Marks: 100

All questions are compulsory. Answer to all the Questions must be given in one language either in Hindi or in English. In case there is any variance either printing or of a factual nature, out of the Hindi and English versions of the question, the English version will be treated as standard.

Write your Roll No. only in the space provided on the first page of Answer-Book / Supplementary Sheet. Writing of his/her own Name or Roll No. or any mark of identification in any form or any Number or Name or Mark, by which the Answer Book of a candidate may be distinguished/ identified from others, in any place of the Answer Book not provided for, is strictly prohibited and shall, in addition to other grounds, entail cancellation of his/her candidature.

Writing of all answers must be clear & legible. If the writing of Answer Book written by any candidate is not clear or illegible in view of Valuer then the valuation of such Answer Book may not be done.

MADHYA PRADESH ACCOMMODATION CONTROL ACT, 1961

1. Explain with case law the scope of striking out defence against eviction under Section 13 (4) and Section 13 (6) of Madhya Pradesh Accommodation Control Act, 1961 ? [8]

2. Can the landlord, as defined in Section 23-J of the Madhya Pradesh Accommodation Control Act, 1961, institute the suit in Civil Court for eviction of the tenant on the grounds mentioned in Section 23-A of the Act ? Explain with relevant provisions and case law. [4]

3. Under which cases the sub-tenant, will be a tenant ? Explain the circumstances ? [4]

MADHYA PRADESH LAND REVENUE CODE, 1959

4. "A Bhumiswami may transfer any interest in his land" Explain in detail the restrictions on this general rule under Madhya Pradesh Land Revenue Code, 1959. [8]

5. What is the presumption as to the entries in land records ? Explain with the help of case law evidentiary value of khasra entry ? [4]

6. Explain the law related to 'Relinquishment Right of Bhumiswami' and 'Abandonment of Holding'. [4]

INDIAN EVIDENCE ACT, 1872

7. What are the requirements for considering electronic records as admissible in evidence under Indian Evidence Act, 1872 ? Explain in the light of latest legal position. [8]

8. Whether the confession of an accused can be considered against the co-accused? Explain the relevant provision with respect to credibility and presumption of evidence of accomplice in the light of case laws ? [4]

9. What are the 'Privileged Communications' under the Indian Evidence Act, 1872 ? [4]

INDIAN PENAL CODE, 1860

10. Write short note on offences relating to documents as provided in Chapter 18 of the Indian Penal Code, 1860 ? [8]

11. Explain with relevant case law, the law Relating to Right of Private Defence of Body, when the cause of injuries on the body of accused have not been explained ? [4]

12. Whether 'A' has committed any offence in the following cases? If yes, what offence? Give reasoned answer.
(i) 'A' instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there.
(ii) 'A', a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law.
(iii) 'A', residing in Calcutta, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business.
(iv) 'A' makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. [4]

CRIMINAL PROCEDURE CODE, 1973

13. For which offences Court may file a complaint in writing under Section 195 of Criminal Procedure Code, 1973 ? What procedure can be adopted on such complaint by Magistrate ? Explain with relevant legal provision. [8]

14. What is the legal position regarding use of the statement of the witness recorded under Section 161 of Criminal Procedure Code, 1973, when such witness denies of having made any such statement to police ? [4]

15. Whether a Criminal Court can pronounce judgment in the absence of the accused ? Can a Court alter the judgment in a criminal case after it has been delivered? Explain with specific legal provision. [4]

NEGOTIABLE INSTRUMENTS ACT, 1881

16. Whether in the trial of offence under Section 138 of the Negotiable Instruments Act, 1881, the Court can order the drawer to grant interim compensation to complainant? If yes, then at which stage and how much ? How interim compensation can be recovered ? [4]

17. Explain under Negotiable Instruments Act, 1881-
(i) The 'Estoppel' created against 'Drawer' of a cheque.
(ii) The defence which may not be allowed in any prosecution under section 138 of Negotiable Instruments Act, 1881.
(iii) When the cognizance of offence under Section 138 of Negotiable Instruments Act, 1881 may be taken after the prescribed period ?
(iv) How much sentence will it be lawful for the Magistrate to pass in the case of conviction under Section 138 of Negotiable Instruments Act, 1881 in a Summary Trial under Section 143 of Negotiable Instruments Act, 1881 ? [4]

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18. Write Short-notes / संक्षिप्त टिप्पणी लिखिये :–
(A) Explain the power of the Judge to put question or to order the production of documents to discover the relevant facts ?
(B) What is Wajib-ul-arz ? By whom and under what grounds an entry is modified or any new entry inserted in the Wajib-ul-arz ? Whether civil suit filed by person aggrieved from any entry of the Wajib-ul-arz is maintainable ?

(C) What are the categories/types of Criminal Cases, as defined in the case of Satendra Kumar Antil Vs Central Bureau of Investigation and Another (2022) 10 SCC 51 ? What is the effect of this judgment on bail matters ? [4+4+4]

De Facto IAS