Maharashtra Civil Judge (Prelims) 2023

Maharashtra Public Service Commission · Civil Judge (Junior Division) & JMFC Preliminary Examination 2023, held 18.11.2023 · 100 questions

Preliminary Examination

1. Under order XX Rule 5 of the CPC, the court shall state its finding or decision with the reasons therefor :
   (A) Only upon the issues of law
   (B) Only upon the issues of fact
   (C) Upon each separate issue
   (D) Both (A) and (B)

2. Under order XX Rule 6 A of the CPC, decree is to be drawn up in any case within _____ from the date on which the judgement is pronounced.
   (A) 15 days
   (B) 30 days
   (C) 20 days
   (D) 16 days

3. Under section 32 of the Evidence Act, a statement of a person who is dead is to be admissible :
   (A) When it is against interest of maker
   (B) When is made in course of business
   (C) When it relates to cause of death
   (D) All of the above

4. Plaint shall be rejected
   (A) where cause of action is false
   (B) where there is no cause of action
   (C) if it does not disclose a cause of action
   (D) both (B) and (C)

5. Under section 57 of the Evidence Act, the court
   (A) cannot take judicial notice of any fact
   (B) has discretion to take judicial notice
   (C) both (A) and (B)
   (D) shall take judicial notice of the facts referred to in the said section

6. Who administers the oath of the office to the President of India ?
   (A) The Prime Minister
   (B) The Vice President
   (C) The Chief Justice of High Court of Delhi
   (D) None of the above

7. The following are exceptions to defamation:
   (A) Imputation of truth for public good
   (B) Conduct of any person touching any public question
   (C) Publication of reports of proceedings of courts
   (D) All the above

8. If any party to the suit dies after conclusion of hearing and before pronouncing the judgement _____.
   (A) the suit shall not abate
   (B) the suit shall abate
   (C) the suit shall not abate if right to sue survives
   (D) the suit shall not abate if cause of action survives

9. Withdrawal of complaint, results in the :
   (A) discharge of the accused
   (B) dismissal of complaint
   (C) acquittal of the accused
   (D) all of the above

10. Article 18 of the constitution deals with :
   (A) Abolition of untouchability
   (B) Abolition of titles
   (C) Protection of life
   (D) Protection of personal liberty

11. Admissions are not conclusive proof of the matters admitted but they may operate as _____.
   (A) res-judicata
   (B) relevant fact
   (C) fact in issue
   (D) estoppels

12. Under section 148 of the CPC, where any period is fixed or granted by the court for the doing of any act prescribed or allowed by the CPC, the court may enlarge such period not exceeding :
   (A) 30 days in total
   (B) 30 days at a time
   (C) 60 days in total
   (D) 90 days in total

13. Which of the following section of the Specific Relief Act mandates that specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing penal laws ?

(A) Section 6
(B) Section 4
(C) Section 3
(D) Section 5

14. Under section 190 of the CrPC, cognizance may be taken by the magistrate upon receiving :

(A) FIR
(B) email
(C) Police report of such facts
(D) None of the above

15. Who administers oath to the Governor of a state ?

(A) President of India
(B) Chief Minister of that State
(C) Prime Minister of India
(D) None of the above

16. The section dealing with the Medical Examination of the victim of rape is _____.

(A) Section 53 A
(B) Section 164 A
(C) Section 166 B
(D) Section 166 A

17. At the first hearing of the suit, the court shall examine orally the parties present in the court under order 10 Rule 2 of the CPC :

(A) with a view to frame issues
(B) with a view to decide matter in controversy
(C) with a view to verify cause of action
(D) with a view to elucidating the matters in controversy in the suit

18. Voyeurism as an offence means :

(A) Eve teasing
(B) Sexual assault
(C) Sexual harassment
(D) A man watching or capturing the image of a women in private

19. Which one of the following sections of the CrPC states that no appeal lies in petty cases ?

(A) Section 376
(B) Section 377
(C) Section 375
(D) Section 378

20. The question of time is irrelevant in a suit u/s 6 of the Specific Relief Act. This statement is

(A) False
(B) Partly true
(C) True
(D) None of the above

21. Section 92 of the Evidence Act is applicable to dispute between :

(A) the parties to the instrument only
(B) two strangers where the document is in question
(C) a party to the instrument and a stranger
(D) none of the above

22. Under section 64 of the IPC a sentence of imprisonment for non-payment of fine shall:

(A) be concurrent of any other imprisonment
(B) be in excess of any other imprisonment to which an offender has been sentenced
(C) not be in excess of any other imprisonment
(D) none of the above

23. Pleading is defined under _____ of the CPC.

(A) Order 6 Rule 4
(B) Order 6 Rule 3
(C) Order 6 Rule 1
(D) None of the above

24. Law declared by the Supreme Court is binding on all courts in India as per :

(A) Article 147
(B) Article 145
(C) Article 143
(D) Article 141

25. When several persons do a criminal act in furtherance to the common intention :

(A) each of such person shall be liable according to the extent of his participation in the crime
(B) each of such person is liable for that act in the same manner as if it were done by him alone
(C) each of such person is liable for his own overt act
(D) all of the above

26. Section 304 of the CrPC relates to the following subject :

(A) Tender of Pardon to accomplice
(B) Legal aid to the accused at state expenses
(C) Both (A) and (B)
(D) Release of accused on probation

27. Period of detention in the civil prison under order XXXIX rule 2A of the CPC, for disobedience or breach of injunction :

(A) Shall not exceed five months
(B) Shall not exceed four months
(C) Shall not exceed three months
(D) Shall not exceed six months

28. 'Warrant case' means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding :

(A) Six months
(B) Three years
(C) Two years
(D) One year

29. Maintenance of a case-diary by an investigating officer is mandatory under section _____ of the CrPC.

(A) 162
(B) 167
(C) 161
(D) 172

30. Opinion of an expert under section 45 of the Evidence Act :

(A) is a conclusive proof
(B) is a relevant fact
(C) is not admissible
(D) all of the above

31. A right relating to set-off is provided under :

(A) Order VIII Rule 6 of CPC
(B) Order VIII Rule 6 A of CPC
(C) Order VIII Rule 8 of CPC
(D) Order VIII Rule 8 A of CPC

32. According to section 10 of the IPC the word 'Woman' denotes a Female human being :

(A) above the age of 16 years
(B) above the age of 18 years
(C) below the age of 15 years
(D) of any age

33. Which Article of the Constitution abolishes Untouchability ?

(A) Article 15
(B) Article 16
(C) Article 17
(D) Article 18

34. Presumption as to production of electronic records as per section 90 A of Evidence Act may be drawn if the document is :

(A) 10 years old
(B) 5 years old
(C) 30 years old
(D) 12 years old

35. The constitution of India was adopted by the Constituent Assembly on :

(A) 26th January 1950
(B) 15th August 1947
(C) 26th November 1949
(D) 15th August 1950

36. Which section of the CPC enunciates the doctrine of Res-judicata ?

(A) Section 11
(B) Section 10
(C) Section 12
(D) Section 9

37. According to section 3 of the Evidence Act 'Court' does not include :

(A) Judges
(B) Arbitrators
(C) Magistrates
(D) None of the above

38. The investigating officer during the investigation records the statement of a witness under section _____ of the CrPC.

(A) 160
(B) 162
(C) 164
(D) 161

39. Under section 17 of the Evidence Act 'Admission' is a statement :

(A) in writing only
(B) in electronic form only
(C) oral only
(D) either oral or documentary or in electronic form

40. Article _____ of the constitution relates to freedom to manage religious affairs.

(A) Article 24
(B) Article 25
(C) Article 26
(D) Article 27

41. Which section of the Evidence Act provides for drawing the presumption as to 30 year old documents ?

(A) Section 74
(B) Section 90
(C) Section 91
(D) Section 75

42. Under section 34 of the Specific Relief Act a declaration can be sought by :

(A) a person whose legal character is not denied
(B) a stranger who has no interest
(C) a person whose right to property is not denied
(D) none of the above

43. Article 39 A of the constitution deals with :

(A) Environment Right
(B) Equal justice and legal aid
(C) Property right
(D) Protection of woman from domestic violence

44. Which Article of the Constitution of India describes the procedure to amend the Constitution ?

(A) Article 368
(B) Article 366
(C) Article 365
(D) Article 367

45. Which section of the Evidence Act provides for drawing the presumption as to electronic messages ?

(A) Section 90
(B) Section 88
(C) Section 90 A
(D) Section 88 A

46. Section 112 of the Evidence Act provides for conclusive proof of :

(A) life
(B) marriage
(C) legitimacy
(D) death

47. Section _____ of the IPC provides punishment for voluntarily throwing or attempting to throw acid.

(A) 326
(B) 326 A
(C) 326 B
(D) 328

48. Under section 77 of the CrPC, a warrant of arrest may be executed at any place :

(A) Within the court's jurisdiction
(B) In India
(C) Within the district where court is situated
(D) None of the above

49. Complaint u/s 2 (d) of the CrPC means :

(A) allegation made in writing only to the Police
(B) includes a Police report
(C) any allegation made orally or in writing to a magistrate
(D) none of the above

50. Section 215 of the CrPC deals with the following subject :

(A) contents of charge
(B) alteration of charge
(C) recall of witness when charge is altered
(D) effect of errors in charge

51. Section 159 of the Evidence Act relates to the following subject :

(A) Judges power to put questions to witness
(B) Refreshing memory by witness
(C) Impeaching credit of witness
(D) Questions by party to his own witness

52. Compensatory costs in respect of false or vexatious claim is imposed under section _____ of the CPC.

(A) 35
(B) 35 A
(C) 35 B
(D) 36

53. Which of the following Article of the constitution guarantees equal opportunities in public employment to citizens ?

(A) Article 21
(B) Article 14
(C) Article 16
(D) Article 15

54. Under section 2(g) of the CrPC 'inquiry' means every inquiry, other than a trial conducted under CrPC by a _____.

(A) Magistrate or court
(B) Special executive magistrate only
(C) Sessions court only
(D) None of the above

55. What must be the age of a minor/victim with regard to the offence of kidnapping as defined u/s 361 of the IPC ?

(A) Sixteen years
(B) Under sixteen years if a male and under eighteen years if a female
(C) Eighteen years
(D) Under eighteen years if a male and under twenty one years if a female

56. A document required by law to be attested can be proved by examining :

(A) at least two of the attesting witnesses
(B) all the attesting witnesses
(C) some other person who has knowledge of that document
(D) at least one of the attesting witnesses

57. Article 5 of the constitution deals with :

(A) The Union
(B) Fundamental Duties
(C) Citizenship
(D) None of the above

58. Under section 77 of the Evidence Act, public documents can be proved by :

(A) production of certified copies of documents
(B) examining public servant
(C) obtaining digitally signed copies only
(D) securing original of public document

59. Under section 21 of the Specific Relief Act, in a suit for specific performance the plaintiff can seek

(A) Only the relief of specific performance
(B) Specific performance and in the alternative compensation
(C) Only the relief of compensation
(D) Compensation and also specific performance

60. During re-examination of a witness :

(A) a new matter can be introduced
(B) no new matter can be introduced
(C) a new matter can be introduced with the permission of the court
(D) none of the above

61. Chapter XXI A of the criminal procedure code deals with :

(A) Bail
(B) Disposal of property
(C) Plea Bargaining
(D) Transfer of criminal cases

62. In law a man is presumed to be dead if he is not heard for :

(A) 5 years
(B) 12 years
(C) 14 years
(D) 7 years

63. Stalking as an offence means :

(A) Illegally storing
(B) Insulting a lady
(C) Illegally following a woman and attempting to contact her
(D) Irritating a lady

64. Under order XLV Rule I of the CPC the term 'decree' shall include :

(A) a final order
(B) rejection of plaint
(C) dismissal of suit
(D) the formal expression of an adjudication

65. Where the judgement is pronounced copies of the judgement shall be made available to the parties _____ after the pronouncement.

(A) within 15 days
(B) within 30 days
(C) within 14 days
(D) none of the above

66. Obligation as defined u/s 2 (a) of the Specific Relief Act includes every _____ enforceable by law.

(A) duty
(B) right
(C) legal right
(D) obligation

67. An accused person is a competent witness under _____ of the CrPC.

(A) Section 315
(B) Section 313
(C) Section 311
(D) Section 312

68. Under section 114 of the Evidence Act the court may presume :

(A) existence of relevant fact
(B) existence of any fact
(C) both (A) and (B)
(D) existence of law

69. Section 438 of the CrPC can be invoked :
(A) in cases of bailable offences
(B) in cases of non-bailable offences
(C) neither (A) nor (B)
(D) both (A) and (B)

70. Under order 14 Rule 5 of the CPC the court may strike out the wrongly framed issues at any time :
(A) before conclusion of trial
(B) before passing the decree
(C) before commencement of trial
(D) before pronouncing the judgement

71. As per section _____ of the Evidence Act 'Accomplice' shall be a competent witness.
(A) 134
(B) 132
(C) 133
(D) 135

72. The state shall take steps to separate the judiciary from the executive in the public services of the state under Article _____ of the constitution of India.
(A) 51
(B) 52
(C) 50
(D) None of the above

73. Mandatory injunction is granted u/s _____ of the Specific Relief Act.
(A) Section 34
(B) Section 35
(C) Section 38
(D) Section 39

74. An unlawful Assembly is defined under section _____ of the IPC.
(A) 142
(B) 141
(C) 151
(D) 140

75. A defendant shall file written statement within
(A) 60 days from the date of service of summons
(B) 90 days from the date of service of summons
(C) 30 days from the date of appearance
(D) None of the above

76. The offence of 'Affray' is defined u/s _____ of the IPC.
(A) Section 152
(B) Section 146
(C) Section 157
(D) Section 159

77. Facts admitted need not be proved. This is provided under _____ of Evidence Act.
(A) Section 56
(B) Section 57
(C) Section 58
(D) Section 59

78. Who among the following can move the court for plea bargaining ?
(A) The Police Officer
(B) The Complainant
(C) Only the accused
(D) Both the accused and the complainant

79. The court may refuse to rescind the contract under section 27(2) of the Specific Relief Act :
(A) Where the contract is void
(B) Where the contract is voidable
(C) Where the contract is unlawful
(D) Where the plaintiff has expressly or impliedly ratified the contract

80. Any clerical or arithmetical mistake in the judgement, decrees or orders can be corrected by the court under :
(A) Section 151 of the CPC
(B) Section 152 of the CPC
(C) Section 114 of the CPC
(D) None of the above

81. The President of India may by writing under his hand addressed to the _____ resign his office.
(A) Chief Justice of India
(B) The Election Commissioner
(C) Vice-president of India
(D) Prime Minister of India

82. Under section 73 of the IPC, if an offender has been sentenced to imprisonment not exceeding six months, the solitary confinement :
(A) shall not exceed four months
(B) shall not exceed two months
(C) shall not exceed three months
(D) shall not exceed one month

83. Article 46 of the Constitution deals with :
(A) Uniform Civil Code
(B) Living wages for workers
(C) Organization of Village Panchayats
(D) None of the above

84. Section 121 of the Evidence Act, provides for privilege in respect of :
(A) Husband and wife
(B) Affairs of the state
(C) Judges and Magistrates
(D) Official Communication

85. Judgement on admission can be given under _____ of the CPC.
(A) Order XII rule 2
(B) Order XII rule 4
(C) Order XII rule 8
(D) Order XII rule 6

86. Every suit shall be instituted in the court of the
(A) Highest grade competent to try it
(B) District Judges
(C) Civil Judge Senior Division
(D) Lowest grade competent to try it

87. If the offence is punishable with fine only, period of limitation for taking cognizance of the said offence is :
(A) Three years
(B) Six months
(C) One year
(D) No limitation

88. Section 31 of the Specific Relief Act provides for :
(A) suits for easement by necessity
(B) cancellation of written instruments under certain circumstances
(C) suits relating to adverse possession
(D) none of the above

89. When injunction cannot be granted u/s 41 of the Specific Relief Act ?
(A) When the plaintiff has no personal interest in the matter
(B) To prevent the breach of a contract the performance of which would not be specifically enforced
(C) To restrain any person applying to any legislative body
(D) All the above

90. Which section in the Evidence Act confers power on the trial court to put any questions to any witness ?
(A) Section 166
(B) Section 167
(C) Section 163
(D) Section 165

91. Section 96 of the IPC says that nothing is an offence which is done
(A) in good faith
(B) in exercise of the right of private defence
(C) without intention
(D) none of the above

92. No person is eligible for being appointed as President of India unless he has completed the age of
(A) 50 years
(B) 40 years
(C) 35 years
(D) 45 years

93. Under section 446(3) of the CrPC penalty mentioned in the surety bond -
(A) can be remitted in full
(B) cannot be remitted
(C) can remit and enforce payment in part only
(D) none of the above

94. Article 21-A of the constitution deals with :
(A) Right to employment
(B) Right to food
(C) Right to education
(D) None of the above

95. Order XXI Rule 72 of the CPC relates to the following subject :
(A) Staying the court sale
(B) Permitting the decree holder to bid or buy property in court sale
(C) Bid of co-sharer to have preference
(D) Set aside the court sale on the ground of fraud

96. Mesne profits means :
(A) profit shown in income tax return
(B) very minimum profit
(C) profit earned by mission
(D) none of the above

97. 'Place' under section 2 (P) of the CrPC includes
(A) a house
(B) a tent
(C) a vehicle
(D) all the above

98. Under Order V Rule 9 A of the CPC a summons for serving on the defendant, can be delivered to :
(A) the plaintiff
(B) the advocate for the plaintiff
(C) the clerk of advocate for the plaintiff
(D) the bailiff

99. Under order IX Rule 7 of CPC an application can be made :
(A) at any time during the pendency of the suit
(B) within 60 days of the order
(C) at or before hearing
(D) within 90 days of the order

100. The time limit within which amendment to be carried out from the date of the order granting amendment is 14 days under order VI Rule _____ of the CPC.
(A) 15
(B) 17
(C) 16
(D) None of the above