Maharashtra Civil Judge Prelims 2023: Solution

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)

Answer: (C) Upon each separate issue

Order XX rule 5 requires the court, in suits where issues are framed, to state its finding or decision with the reasons for it upon each separate issue, unless the finding upon one or more issues is sufficient for the decision of the suit. It is not limited to issues of law or of fact alone, so options (A), (B) and (D) are wrong.

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

Answer: (A) 15 days

Rule 6A(1) of Order XX directs that the decree be drawn up as expeditiously as possible and in any case within fifteen days from the date on which the judgment is pronounced. The other periods do not appear in the rule. Until the decree is drawn up, the judgment is treated as the decree for the purpose of appeal.

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

Answer: (D) All of the above

Section 32 makes relevant the statements of persons who cannot be called as witnesses, including dead persons. Clause (1) covers statements as to the cause of death, clause (2) statements made in the course of business, and clause (3) statements against the pecuniary or proprietary interest of the maker. All three situations are listed, so all the options are correct.

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)

Answer: (C) if it does not disclose a cause of action

Order VII rule 11(a) of the CPC provides for rejection of the plaint where it does not disclose a cause of action. The test is whether the plaint, read as a whole, discloses one; falsity of the cause of action is a matter for trial, not for rejection at the threshold. Option (C) alone follows the wording of the rule.

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

Answer: (D) shall take judicial notice of the facts referred to in the said section

Section 57 lists facts of which the court 'shall take judicial notice', such as all laws in force in India, the course of nature, the accession and signature of the head of a State, and the seal of courts. The word is mandatory, so no discretion is involved. Such facts need not be proved.

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

Answer: (D) None of the above

Under Article 60 the oath or affirmation of the President is administered by the Chief Justice of India or, in his absence, the senior-most Judge of the Supreme Court available. None of the persons named in options (A) to (C) has this function, so the correct choice is '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

Answer: (D) All the above

Section 499 of the IPC lists ten Exceptions to defamation. The First Exception covers an imputation of truth made for

the public good, the Third covers the conduct of any person touching a public question, and the Fourth covers a substantially true report of court proceedings. All the three are exceptions. [BNS s.356]

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

Answer: (A) the suit shall not abate

Order XXII rule 6 of the CPC says that, despite the death of either party between the conclusion of the hearing and the pronouncing of the judgment, the suit shall not abate. Judgment may be pronounced as if death had not taken place. The survival of the right to sue is relevant only to death before the hearing ends.

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

Answer: (C) acquittal of the accused

Section 257 of the CrPC allows the Magistrate, on the complainant's application and before a final order is passed in a summons-case, to permit withdrawal of the complaint. He shall then acquit the accused. It is not a discharge or a dismissal. [BNSS s.280]

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

Answer: (B) Abolition of titles

Article 18 abolishes titles. The State cannot confer any title, other than a military or academic distinction, and a citizen cannot accept a title from a foreign State. Untouchability is abolished by Article 17, and the protection of life and personal liberty is under Article 21.

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

Answer: (D) estoppels

Section 31 of the Evidence Act states that admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions that follow in Chapter VIII. An admission is only a piece of evidence unless the other party has relied on it and changed his position.

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

Answer: (A) 30 days in total

Section 148, as amended in 2002, allows the court, in its discretion and for reasons, to enlarge a period fixed or granted by it, even if the period has expired, but the enlargement shall not exceed thirty days in total. The cap is on the total, not on each extension.

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

Answer: (B) Section 4

Section 4 of the Specific Relief Act, 1963 provides that specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law. Section 6 deals with suits by a person dispossessed of immovable property.

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

Answer: (C) Police report of such facts

Section 190(1) lets a competent Magistrate take cognizance of an offence (a) upon receiving a complaint of facts constituting it, (b) upon a police report of such facts, or (c) upon information from any person other than a police officer, or on his own knowledge. An FIR by itself is not a ground. [BNSS s.210]

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

Answer: (D) None of the above

Article 159 provides that every Governor shall make and subscribe the oath or affirmation in the presence of the Chief Justice of the High Court exercising jurisdiction in the State or, in his absence, the senior-most Judge of that court available. The President, the Chief Minister and the Prime Minister do not administer it.

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

Answer: (B) Section 164 A

Section 164A of the CrPC, inserted in 2009, deals with medical examination of the victim of rape by a registered medical practitioner, with the consent of the woman or a person competent to consent for her. Section 53A concerns examination of the accused in a rape case. [BNSS s.184]

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

Answer: (D) with a view to elucidating the matters in controversy in the suit

Order X rule 2 empowers the court, at the first hearing, or at any subsequent hearing, to orally examine any party appearing in person or any person able to answer material questions, with a view to elucidating the matters in controversy in the suit. It is not itself a decision on the controversy.

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

Answer: (D) A man watching or capturing the image of a women in private

Section 354C of the IPC makes it voyeurism when a man watches, or captures the image of, a woman engaged in a private act in circumstances where she would usually expect not to be observed, or disseminates such an image. Eve teasing, assault and harassment are different matters. [BNS s.77]

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

Answer: (A) Section 376

Section 376 of the CrPC bars appeals in petty cases, such as a sentence of imprisonment up to six months only, or of fine up to a prescribed small amount only, as detailed in the section. Section 377 deals with appeal by the State against inadequate sentence and section 378 with appeal against acquittal. [BNSS s.417]

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

Answer: (A) False

Section 6(2)(a) bars a suit for recovery of possession by a dispossessed person if it is brought after six months from the date of dispossession. Time is therefore a decisive factor, and the statement that it is irrelevant is false. Only the question of title is irrelevant in such a suit.

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

Answer: (A) the parties to the instrument only

Section 92 excludes oral evidence of any agreement contradicting, varying, adding to or subtracting from the terms of a written contract, grant or disposition of property. The proviso says it applies only between the parties to the instrument or their representatives in interest. Strangers are not bound by it. [BSA s.95]

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

Answer: (B) be in excess of any other imprisonment to which an offender has been sentenced

Section 64 permits the court to direct imprisonment in default of payment of fine, and states that such imprisonment shall be in excess of any other imprisonment to which the offender has been sentenced or to which he

may be liable under a commutation. It runs after, not along with, the substantive sentence. [BNS s.8(2)]

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

Answer: (C) Order 6 Rule 1

Order VI rule 1 of the CPC defines 'pleading' as plaint or written statement. Rule 2 states the fundamental rule of pleading, rule 3 deals with the forms of pleading, and rule 4 requires particulars where necessary, such as misrepresentation, fraud and breach of trust.

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

Answer: (D) Article 141

Article 141 provides that the law declared by the Supreme Court shall be binding on all courts within the territory of India. Article 143 is the President's reference power, Article 145 concerns rules of court, and Article 147 is about interpretation of the Constitution.

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

Answer: (B) each of such person is liable for that act in the same manner as if it were done by him alone

Section 34 of the IPC provides that when a criminal act is done by several persons in furtherance of the common intention of all, each of them is liable for that act in the same manner as if it were done by him alone. Liability is not measured by individual participation. [BNS s.3(5)]

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

Answer: (B) Legal aid to the accused at state expenses

Section 304 provides for legal aid to an accused at State expense where, in a trial before the Court of Session, the accused has no pleader and lacks the means to engage one. Tender of pardon to an accomplice is under section 306, and release on probation under section 360. [BNSS s.341]

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

Answer: (C) Shall not exceed three months

Under Order XXXIX rule 2A(1), for disobedience of an injunction or breach of its terms the court may attach the property of the guilty person and may also order him to be detained in civil prison for a term not exceeding three months, unless he is released earlier. Attachment cannot last more than one year.

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

Answer: (C) Two years

Section 2(x) of the CrPC defines a warrant-case as a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years. A summons-case is a case relating to an offence that is not a warrant-case. [BNSS s.2(1)(z)]

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

Answer: (D) 172

Section 172 of the CrPC requires every police officer making an investigation to enter day by day in a diary the time he received the information, the time he began and closed the investigation, the places visited and a statement of the circumstances. Sections 161 and 162 deal with witness examination, and section 167 with remand. [BNSS s.192]

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

Answer: (B) is a relevant fact

Section 45 declares that when the court has to form an opinion on a point of foreign law, science, art, handwriting or finger impressions, the opinions of persons specially skilled in the field are relevant facts. The opinion is not conclusive; the court weighs it with the other evidence. [BSA s.39]

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

Answer: (A) Order VIII Rule 6 of CPC

Order VIII rule 6 provides for particulars of set-off where the defendant claims to set off against the plaintiff's demand a sum of money legally recoverable by him, subject to the pecuniary limits of the court. Rule 6A deals with counter-claim, a separate right.

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

Answer: (D) of any age

Section 10 of the IPC says the word 'man' denotes a male human being of any age and the word 'woman' denotes a female human being of any age. Age is therefore not a part of the definition, and a girl child is as much a 'woman' as an adult for the purposes of the Code, which is why options (A) to (C), each fixing an age, are wrong. [BNS s.2(35)]

33. Which Article of the Constitution abolishes Untouchability ?

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

Answer: (C) Article 17

Article 17 abolishes untouchability and forbids its practice in any form. The enforcement of any disability arising out of untouchability is an offence punishable under law. Articles 15 and 16 deal with non-discrimination and equal opportunity, and Article 18 with titles.

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

Answer: (B) 5 years old

Section 90A of the Evidence Act, inserted by the Information Technology Act, 2000, concerns electronic records five years old. Where such a record is produced from proper custody and purports to be authentic, the court may presume its digital signature was affixed by the signatory. Thirty years is the period under section 90 for ordinary documents. [BSA s.93]

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

Answer: (C) 26th November 1949

The Constituent Assembly adopted, enacted and gave to itself the Constitution on 26 November 1949, as stated in the Preamble. Some provisions, such as those on citizenship and elections, began at once, and the whole Constitution came into force on 26 January 1950. The 15th August dates relate to Independence, not to the adoption of the Constitution.

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

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

Answer: (A) Section 11

Section 11 of the CPC bars a court from trying a suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, decided by a competent court. Section 10 deals with stay of suit (res sub judice).

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

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

Answer: (B) Arbitrators

Section 3 states that 'Court' includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence. Arbitrators are therefore expressly excluded from the definition, so the Evidence Act does not strictly apply to arbitral proceedings. [BSA s.2(1)(a)]

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

Answer: (D) 161

Section 161 of the CrPC empowers a police officer investigating an offence to examine orally any person supposed to be acquainted with the facts and circumstances of the case, and to reduce the statement into writing. Section 162 bars its use as evidence in the main, and section 164 deals with confessions and statements before a Magistrate. [BNSS s.180]

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

Answer: (D) either oral or documentary or in electronic form

Section 17 defines an admission as a statement, oral or documentary or contained in electronic form, which suggests an inference as to a fact in issue or a relevant fact and which is made by a person in the circumstances stated in the following sections. It is not limited to one form. [BSA s.15]

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

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

Answer: (C) Article 26

Article 26 gives every religious denomination, subject to public order, morality and health, the right to establish institutions, manage its own affairs in matters of religion, own property and administer it. Article 25 is the freedom of conscience, Article 24 prohibits child labour, and Article 27 is about taxes for religion.

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

Answer: (B) Section 90

Section 90 allows the court to presume that the signature and handwriting of a document thirty years old, produced from proper custody, are genuine, and that its execution and attestation were duly made. Section 74 defines public documents, and section 91 deals with evidence of the terms of documents. [BSA s.92]

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

Answer: (D) none of the above

Under section 34, a person entitled to a legal character or to a right as to property may sue a person who denies, or is interested to deny, his title, and the court may declare that he is so entitled. The suit is thus for a person whose title is denied, not one whose character or right is not denied, and a stranger cannot sue. Note: options (A) and (C) speak of a right 'not denied', whereas the section requires a denial of title.

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

Answer: (B) Equal justice and legal aid

Article 39A, a Directive Principle added by the 42nd Amendment, directs the State to secure that the legal system promotes justice on the basis of equal opportunity, and to provide free legal aid through suitable legislation or schemes so that no citizen is denied justice for economic or other disabilities.

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

Answer: (A) Article 368

Article 368 gives Parliament power to amend the Constitution and lays down the procedure. A Bill must be passed by a special majority in each House, and amendments affecting the federal features listed in the proviso also need ratification by at least half of the States. Article 366 contains definitions and Article 367 deals with interpretation.

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

Answer: (D) Section 88 A

Section 88A of the Evidence Act, inserted in 2000, allows the court to presume that an electronic message forwarded by the originator through an electronic mail server to the addressee corresponds with the message fed into the originator's computer, but not who sent it. Section 88 relates to telegraphic messages. [BSA s.90]

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

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

Answer: (C) legitimacy

Section 112 provides that birth during the continuance of a valid marriage, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, is

conclusive proof that the child is legitimate, unless it is shown that the parties had no access to each other at the time of conception. [BSA s.116]

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

Answer: (C) 326 B

Section 326B of the IPC, inserted in 2013, punishes whoever throws or attempts to throw acid on any person, or attempts to administer acid, with the intention of causing permanent or partial damage or burns. Section 326A covers voluntarily causing grievous hurt by acid. [BNS s.124(2)]

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

Answer: (B) In India

Section 77 of the CrPC states that a warrant of arrest may be executed at any place in India. The restriction on territorial jurisdiction applies to the issue of warrants, not their execution; where it is executed outside local limits, sections 78 and 79 prescribe the procedure. [BNSS s.79]

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

Answer: (C) any allegation made orally or in writing to a magistrate

Section 2(d) defines a complaint as any allegation made orally or in writing to a Magistrate, with a view to his taking action under the Code, that some person, known or unknown, has committed an offence. It does not include a police report. [BNSS s.2(1)(h)]

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

Answer: (D) effect of errors in charge

Section 215 provides that an error or omission in stating the offence or the particulars required to be stated in a charge shall not be regarded as material, unless the accused was in fact misled and it occasioned a failure of justice. Contents of a charge are in section 211 and alteration is in section 216. [BNSS s.238]

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

Answer: (B) Refreshing memory by witness

Section 159 allows a witness, while under examination, to refresh his memory by referring to any writing made by himself at the time of the transaction or soon after, or by one made by another person and read by him at that time. The Judge's power to question is in section 165. [BSA s.162]

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

Answer: (B) 35 A

Section 35A of the CPC empowers the court to award compensatory costs against a party in respect of a false or vexatious claim or defence, up to the limit stated in the section. Section 35 is the general power over costs, and section 35B deals with costs for causing delay.

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

Answer: (C) Article 16

Article 16 guarantees equality of opportunity for all citizens in matters of employment or appointment to any office under the State, and prohibits discrimination on grounds only of religion, race, caste, sex, descent, place of birth or residence. Article 14 is the general right to equality, and Article 15 deals with discrimination.

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

Answer: (A) Magistrate or court

Section 2(g) defines an inquiry as every inquiry, other than a trial, conducted under the Code by a Magistrate or court. Inquiry therefore precedes the trial and aims at deciding whether to proceed to trial, for instance in a complaint case. [BNSS s.2(1)(k)]

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

Answer: (B) Under sixteen years if a male and under eighteen years if a female

Section 361 punishes taking or enticing a minor out of lawful guardianship, 'minor' meaning a male under sixteen years or a female under eighteen years of age, or a person of unsound mind, without the consent of the guardian. [BNS s.137(1)(b)]

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

Answer: (D) at least one of the attesting witnesses

Section 68 provides that a document required by law to be attested shall not be used as evidence until at least one attesting witness has been called to prove its execution, if one is alive, subject to the court's process and capable of giving evidence. All the witnesses need not be called. [BSA s.67]

57. Article 5 of the constitution deals with :

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

Answer: (C) Citizenship

Article 5 is the first of the citizenship provisions in Part II. It states who is a citizen at the commencement of the Constitution: a person domiciled in India who was born in India, or whose parent was born in India, or who has been ordinarily resident in India for at least five years. The Union is dealt with in Article 1.

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

Answer: (A) production of certified copies of documents

Section 77 provides that certified copies of public documents, given under section 76, may be produced in proof of the contents of the public documents or the parts of them which they purport to be copies of. A certified copy is therefore sufficient and the original need not be produced. [BSA s.76]

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

Answer: (D) Compensation and also specific performance

Under section 21(1), as amended with effect from 1 October 2018, the plaintiff in a suit for specific performance may claim compensation for breach in addition to specific performance. Before the amendment, compensation could be claimed only in the alternative or in substitution, so option (B) states the old position.

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

Answer: (C) a new matter can be introduced with the permission of the court

Under section 138 re-examination must be directed to the explanation of matters referred to in cross-examination. If new matter is introduced by permission of the court, the adverse party may further cross-examine on that matter. Without permission, new matter cannot be introduced. [BSA s.143]

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

Answer: (C) Plea Bargaining

Chapter XXIA of the CrPC, comprising sections 265A to 265L, was inserted in 2005 and deals with plea bargaining. Bail is in Chapter XXXIII and transfer of cases in Chapter XXXI. Plea bargaining is available only for offences punishable with imprisonment up to seven years and not for socio-economic offences or offences against women or children. [BNSS Chapter XXIII, ss.289-300]

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

Answer: (D) 7 years

Section 108 of the Evidence Act shifts the burden of proving that a person is alive to the one who affirms it, when it is proved that the person has not been heard of for seven years by those who would naturally have heard of him if he had been alive. Seven years is the period. [BSA s.111]

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

Answer: (C) Illegally following a woman and attempting to contact her

Section 354D of the IPC, inserted in 2013, makes stalking an offence where a man follows a woman and contacts, or attempts to contact her, to foster personal interaction repeatedly despite a clear indication of disinterest, or monitors her use of the internet or electronic communication. [BNS s.78]

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

Answer: (A) a final order

Order XLV rule 1, which governs appeals to the Supreme Court, says that in the Order the expression 'decree' shall include a final order. The formal expression of an adjudication is the definition in section 2(2), and the rejection of a plaint is included there, not in Order XLV.

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

Answer: (D) none of the above

Order XX rule 6B says that where a judgment is pronounced, copies shall be made available to the parties immediately after the pronouncement, on payment of the prescribed charges. Since the rule specifies no period of days, options (A) to (C) are all wrong.

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

Answer: (A) duty

Section 2(a) of the Specific Relief Act, 1963 states that 'obligation' includes every duty enforceable by law. The word is thus defined by reference to duty, not right or legal right. The definition matters because section 2(b) and (c) use 'obligation' to define a 'trust' and the other expressions in the Act.

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

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

Answer: (A) Section 315

Section 315 of the CrPC makes an accused person a competent witness for the defence, but only on his own request in writing, and his failure to give evidence cannot be made the subject of comment by the prosecution. Section 313 deals with examination of the accused by the court. [BNSS s.353]

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

Answer: (B) existence of any fact

Section 114 allows the court to presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in relation to the facts of the case. The presumption is not limited to relevant facts. [BSA s.119]

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)

Answer: (B) in cases of non-bailable offences

Section 438 allows a person who apprehends arrest on an accusation of having committed a non-bailable offence to apply to the High Court or Court of Session for a direction that he be released on bail if arrested. It is meant for non-bailable offences only, as bail is a right in bailable ones. [BNSS s.482]

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

Answer: (B) before passing the decree

Under Order XIV rule 5(1) the court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and under rule 5(2) it may strike out issues that were wrongly framed. The outer limit is the passing of the decree.

71. As per section _____ of the Evidence Act 'Accomplice' shall be a competent witness.

(A) 134
(B) 132
(C) 133
(D) 135

Answer: (C) 133

Section 133 provides that an accomplice shall be a competent witness against an accused person, and that a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. Section 114, illustration (b), makes it a rule of prudence to seek corroboration. [BSA s.138]

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

Answer: (C) 50

Article 50, a Directive Principle of State Policy, directs the State to take steps to separate the judiciary from the executive in the public services of the State. Article 51 deals with promotion of international peace and Article 52 with the office of the President.

73. Mandatory injunction is granted u/s _____ of the Specific Relief Act.

(A) Section 34
(B) Section 35
(C) Section 38
(D) Section 39

Answer: (D) Section 39

Section 39 of the Specific Relief Act provides that when, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the court is capable of enforcing, the court may grant an injunction to prevent the breach and also compel the performance of those acts. Section 38 deals with perpetual injunctions.

74. An unlawful Assembly is defined under section _____ of the IPC.

(A) 142
(B) 141
(C) 151
(D) 140

Answer: (B) 141

Section 141 of the IPC defines an unlawful assembly as an assembly of five or more persons whose common object is one of the five objects listed, such as overawing the Government by criminal force or resisting execution of law. Section 142 states who is a member of it. [BNS s.189(1)]

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

Answer: (D) None of the above

Order VIII rule 1 requires the defendant to file the written statement within thirty days from the date of service of summons, and the court may allow a later date, for reasons recorded in writing, but not later than ninety days from service. The periods given in the first three options do not match the rule.

76. The offence of 'Affray' is defined u/s _____ of the IPC.

(A) Section 152
(B) Section 146
(C) Section 157
(D) Section 159

Answer: (D) Section 159

Section 159 of the IPC defines affray: when two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray. Section 160 prescribes the punishment, and section 146 defines rioting. [BNS s.194]

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

Answer: (C) Section 58

Section 58 provides that no fact need be proved in any proceeding which the parties or their agents agree to admit at the hearing, or which they have admitted in writing before it, subject to the court's discretion to require proof otherwise than by admission. Section 56 relates to facts judicially noticeable. [BSA s.53]

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

Answer: (C) Only the accused

Section 265B of the CrPC states that a person accused of an offence may file an application for plea bargaining in the court in which the offence is pending for trial, with an affidavit of voluntary choice. Only the accused applies; the prosecutor and the victim are heard later. [BNSS s.290]

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

Answer: (D) Where the plaintiff has expressly or impliedly ratified the contract

Section 27(2) lists situations where the court may refuse to rescind a contract: (a) where the plaintiff has expressly or impliedly ratified the contract, or (b) where, owing to a change of circumstances, the parties cannot be substantially restored to the position they were in. Ratification is the one among the given options.

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

Answer: (B) Section 152 of the CPC

Section 152 of the CPC allows the court at any time, of its own motion or on application, to correct clerical or arithmetical mistakes in judgments, decrees or orders, and errors arising from accidental slip or omission. Section 114 is review, and section 151 saves inherent powers.

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

Answer: (C) Vice-president of India

Under Article 56(1)(a), the President may, by writing under his hand addressed to the Vice-President, resign his office. The Vice-President must then communicate the resignation to the Speaker of the House of the People. The resignation is complete when given in this form, and neither the Prime Minister nor the Chief Justice receives it.

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

Answer: (D) shall not exceed one month

Section 73 prescribes the scale of solitary confinement, not exceeding three months in the whole: up to one month if the imprisonment does not exceed six months, up to two months if it exceeds six months and does not exceed one year, and up to three months if it exceeds one year. [BNS s.11]

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

Answer: (D) None of the above

Article 46 directs the State to promote with special care the educational and economic interests of the weaker sections, in particular the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice. The Uniform Civil Code is Article 44, living wage Article 43 and village panchayats Article 40.

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

Answer: (C) Judges and Magistrates

Section 121 protects Judges and Magistrates: they cannot be compelled to answer questions about their own conduct in court, or what came to their knowledge in court, except on the special order of a superior court. Section 122 covers husband and wife, section 123 state affairs, and section 124 official communications. [BSA s.127]

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

Answer: (D) Order XII rule 6

Order XII rule 6 allows the court, at any stage of the suit, on application or on its own motion, to make an order or give judgment having regard to admissions of fact made in the pleadings or otherwise, without waiting for determination of other questions. Rule 2 relates to notice to admit documents.

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

Answer: (D) Lowest grade competent to try it

Section 15 of the CPC provides that every suit shall be instituted in the court of the lowest grade competent to try it. The rule is one of convenience and, as held in many decisions, a breach does not by itself vitiate the decree.

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

Answer: (B) Six months

Section 468(2)(a) of the CrPC provides a limitation of six months if the offence is punishable with fine only; one year if imprisonment up to one year; and three years if imprisonment exceeds one year but not three years. [BNSS s.514]

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

Answer: (B) cancellation of written instruments under certain circumstances

Section 31 of the Specific Relief Act says that any person against whom a written instrument is void or voidable, and who has reasonable apprehension that it may cause him serious injury if left outstanding, may sue to have it adjudged void or voidable, and the court may order it to be delivered up and cancelled.

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

Answer: (D) All the above

Section 41 lists cases in which an injunction cannot be granted. These include clause (j), where the plaintiff has no personal interest in the matter, clause (e), to prevent breach of a contract not specifically enforceable, and clause (c), to restrain a person from applying to any legislative body. All three are barred.

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

Answer: (D) Section 165

Section 165 empowers the Judge, in order to discover or obtain proper proof of relevant facts, to ask any question he pleases, in any form, at any time, of any witness or of the parties, and to order production of any document or thing. [BSA s.168]

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

Answer: (B) in exercise of the right of private defence

Section 96 opens the chapter on the right of private defence, and provides that nothing is an offence which is done in the exercise of the right of private defence. The limits of the right are set by the following sections. [BNS s.34]

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

Answer: (C) 35 years

Article 58(1) requires that a person be a citizen of India, have completed thirty-five years of age, and be qualified for election as a member of the House of the People. He must not hold an office of profit under the Government. Forty and fifty years are not the age prescribed for the Presidency, and forty-five years is not mentioned in the Article.

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

Answer: (C) can remit and enforce payment in part only

Section 446(3) says that the court may, after recording its reasons, remit any portion of the penalty mentioned in the bond and enforce payment in part only. So the court may

partly remit it, and it is not limited to full remission or enforcement. [BNSS s.491]

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

Answer: (C) Right to education

Article 21A, inserted by the 86th Amendment in 2002, provides that the State shall provide free and compulsory education to all children aged six to fourteen years in such manner as the State may by law determine. The Right of Children to Free and Compulsory Education Act, 2009 gives effect to it.

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

Answer: (B) Permitting the decree holder to bid or buy property in court sale

Order XXI rule 72 provides that no holder of a decree in execution of which property is sold shall bid for or purchase it without the express permission of the court. If he purchases without permission, the court may set the sale aside on the application of the judgment-debtor or any other interested person.

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

Answer: (D) none of the above

Section 2(12) of the CPC defines mesne profits as profits which the person in wrongful possession of property actually received or might with ordinary diligence have received from it, together with interest, but excluding profits due to improvements by the person in wrongful possession. None of the given options matches this: mesne profits are not income-tax profit, a minimum profit or a profit of a mission, so 'none of the above' is correct.

97. 'Place' under section 2 (P) of the CrPC includes

(A) a house
(B) a tent
(C) a vehicle
(D) all the above

Answer: (D) all the above

Section 2(p) of the CrPC states that 'place' includes a house, building, tent, vehicle and vessel. Each of the three given options, a house, a tent and a vehicle, is therefore included in the definition, and the answer is 'all the above'. The definition is wide because the Code uses 'place' for searches, arrests and the scene of offences. [BNSS s.2(1)(s)]

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

Answer: (A) the plaintiff

Order V rule 9A allows the court, in addition to the service of summons under rule 9, to permit the plaintiff to effect service on the defendant and to hand over the summons to the plaintiff for that purpose, who must then file proof of service. It is the plaintiff to whom the summons is delivered.

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

Answer: (C) at or before hearing

Order IX rule 7 allows the court to permit a defendant who did not appear at the hearing, and against whom the suit proceeded ex parte, to join in the hearing on such terms as to costs as it directs, if he appears at or before the next hearing and shows good cause for previous non-appearance.

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

Answer: (D) None of the above

Order VI rule 18 provides that if a party who has obtained leave to amend does not amend within the time limited by the order, or within fourteen days of the order where no time is fixed, he shall not be allowed to amend afterwards unless the court extends the time. The rule is 18, not 15, 16 or 17.