Odisha Judicial Service Prelims 2011

Question paper · CJ-04/11 · Series D · 100 questions · 100 marks · 90 minutes

1. Under the Indian Penal Code, abetment is constituted :

(A) By instigating a person to commit an offence
(B) By engaging in a conspiracy to commit an offence
(C) By intentionally aiding a person to commit an offence
(D) All of the above

2. The distinction between Sections 299 and 300 I. P. C. was made clear by :

(A) Marshall, J. in R. V. Govinda
(B) Melvill, J. in Govinda V. R.
(C) Melvill, J. in R. V. Govinda
(D) Marshall, J. in Govinda V. R.

3. Which Section deals with dowry death ?

(A) 304-A of I. P. C.
(B) 498-A of I. P. C.
(C) 489-A of I. P. C.
(D) 304-B of I. P. C.

4. Grievous Hurt means :

(A) Emasculation
(B) Disfiguration
(C) Any hurt which endangers life
(D) All of the above

5. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed is:

(A) Wrongful confinement
(B) Force
(C) Wrongful restraint
(D) Defamation

6. Whoever by force compels or by any deceitful means induces any preson to go from any place is :

(A) Abduction
(B) Kidnapping
(C) Slavery
(D) Forced Labour

7. The solemn resolution in the Preamble of our Constitution is made in the name of :

(A) Constituent Assembly of Free India
(B) Constitution of India
(C) Indian Independence Act
(D) People of India

8. One of the remedies for the false imprisonment is :

(A) Habeas Corpus
(B) Mandamus
(C) Certiorari
(D) Prohibition

9. Every citizen of India has a right to contest in election unless disqualified is :

(A) An Ordinary Civil Right
(B) An Important Constitutional Right
(C) A Fundamental Right
(D) A Fundamental Duty

10. Article 39A of the Constitution of India deals with :

(A) Free Legal Aid
(B) Free and Compulsory Education
(C) Free Housing to the Poor
(D) Free Medical Aid to the Citizen

11. The members of the UPSC are appointed by :

(A) The Cabinet
(B) The Chief Justice of India
(C) The Prime Minister of India
(D) The President of India

12. Which one of the following amendment accorded precedence to Directive Principles over Fundamental Rights ?

(A) 44th Amendment
(B) 24th Amendment
(C) 39th Amendment
(D) 42nd Amendment

13. The Oath is administered to the President of India by :

(A) Speaker of the Lok Sabha
(B) Prime Minister of India
(C) Attorney General of India
(D) Chief Justice of India

14. The special provisions to Finance Bills is provided under the Constitution of India in:

(A) Article 114
(B) Article 115
(C) Article 116
(D) Article 117

15. Suspension of provisions of Article 19 during Emergency is dealt in :

(A) Article 352
(B) Article 355
(C) Article 358
(D) Article 361

16. Provisions as to the administration and control of Scheduled Areas and Scheduled Tribes are in:

(A) Ninth Schedule
(B) Seventh Schedule
(C) Fifth Schedule
(D) Third Schedule

17. Section 89 of the C. P. C. was inserted in:

(A) 1993
(B) 1998
(C) 1999
(D) 2009

18. For instituting a suit against the Government, notice should be given before :

(A) Two months
(B) Three months
(C) One month
(D) Six months

19. Decision on question of limitation :

(A) Operates as res judicata
(B) Does not operate as res judicata
(C) Operates as res judicata, if not erroneous
(D) None of the above

20. The Code of Civil Procedure :

(A) Applies to whole of India
(B) Applies to whole of India except Jammu and Kashmir
(C) Applies to the whole of India except Jammu and Kashmir and Nagaland
(D) Applies to whole of India except Jammu and Kashmir, Nagaland and Tribal Areas

21. Choose the most appropriate answer : A judgement debtor :

(A) Cannot be arrested
(B) Can be arrested
(C) Can be arrested and detained if certain conditions are fulfilled
(D) Can be arrested and detained if certain conditions are fulfilled only in Civil Prison

22. Choose the most appropriate answer : Movable property not in possession of the judgement debtor :

(A) Cannot be attached
(B) Can be attached by actual seizure
(C) Can be attached by an order prohibiting the person in possession thereof from giving it to the judgement debtor
(D) By leaving the same in the custody of respectable person as custodian

23. Precept means :

(A) Command
(B) Order
(C) Writ
(D) All of the above

24. Garnishee means:

(A) Judgement Debtor
(B) Judgement Creditor
(C) Judgement Debtor's Debtor
(D) Guarantor

25. Suo Motu means :

(A) In the matter
(B) Suit filed
(C) Of its own motion
(D) Small matter

26. Actus curiae neminem gravabit means :

(A) The act of court shall harm no one
(B) Grave acts cannot be pardoned
(C) Remedy must cure the act
(D) All acts cannot be sued in a Court

27. Section 75 of the Indian Evidence Act, 1872 deals with :

(A) Public Documents
(B) Private Documents
(C) Certified Copies of Public Documents
(D) Proof of Other Official Documents

28. The term 'Admission' is defined in the Indian Evidence Act, 1872 in:

(A) Section 17
(B) Section 18
(C) Section 19
(D) Section 20

29. Section 23 of the Indian Evidence Act, 1872 deals with :

(A) Relevance of Admissions in Civil Cases
(B) Relevance of Oral Admissions as to Contents of Documents
(C) Relevance of Oral Admissions as to Contents of Electronic Records
(D) None of the above

30. According to Section 141 of the Indian Evidence Act, 1872, any question suggesting the answer which the person putting it wishes or expects to receive, is called a:

(A) Answerable Question
(B) Convenient Question
(C) Suggestive Question
(D) Leading Question

31. The term 'Examination-in-Chief' has been defined in the Indian Evidence Act, 1872 in:

(A) Section 137
(B) Section 138
(C) Section 139
(D) Section 140

32. The Examination of a Witness by the Adverse Party shall be called his :

(A) Examination-in-Chief
(B) Cross-Examination
(C) Re-Examination
(D) Examination on Facts

33. Section 115 of the Indian Evidence Act, 1872 deals with :

(A) Estoppel
(B) Estoppel of Tenant
(C) Estoppel of Acceptor of Bill of Exchange, Bailee or Licensee
(D) Evidence as to Affairs of State

34. A Witness who is unable to speak is called as :

(A) Deaf Witness
(B) Dumb Witness
(C) Hostile Witness
(D) Unreliable Witness

35. 'Actus me invito factus non est mens actus' means :

(A) The act itself does not make a man guilty unless his intentions were so
(B) An act done by me against my will is not my act at all
(C) The intent and the act both must concur to constitute crime
(D) None of the above

36. Robbery is an aggravated form of :

(A) Theft
(B) Extortion
(C) Both (a) and (b)
(D) All of the above

37. Person who may be said to be of unsound mind is :

(A) An idiot
(B) A madman
(C) One who is drunk
(D) All of the above

38. When two or more persons by fighting in a public place disturb the public peace is :

(A) Affray
(B) Riot
(C) Assault
(D) Curfew

39. The Court of a Magistrate of first class may pass a sentence of imprisonment for a term not exceeding :

(A) Three years
(B) Five years
(C) Seven years
(D) Four years

40. Under which Section of Cr. P. C. a police officer can arrest a person without an order from a Magistrate and without warrant ?

(A) Section 42
(B) Section 40
(C) Section 51
(D) Section 41

41. Power to search a place is provided under :

(A) Section 45
(B) Section 46
(C) Section 47
(D) Section 48

42. Which of the following is process to compel the appearance of persons before the Criminal Courts ?
(A) Summons
(B) Warrants
(C) Attachment and sale of property
(D) All of the above

43. Under which Section of Cr. P.C. a person who is avoiding execution of a warrant may be proclaimed absconder ?
(A) Section 81
(B) Section 83
(C) Section 82
(D) Section 84

44. Any dispute relating to possession of immovable property is decided by :
(A) Judicial Magistrate
(B) Executive Magistrate
(C) Either by Executive or by Judicial Magistrate
(D) Neither by Judicial nor by Executive Magistrate

45. The recording of the statements by a police officer during investigation is provided by :
(A) Section 161(1)
(B) Section 161(2)
(C) Section 161(3)
(D) Section 162(1)

46. Under Sec. 167, the Magistrate can order detention in:
(A) Police Custody
(B) Judicial Custody
(C) Jail
(D) Any Custody as he thinks fit

47. Which of the following Sections does not provide for joinder of charges ?
(A) Section 219
(B) Section 221
(C) Section 222
(D) Section 225

48. Which Section is based on the maxim "Nemo debet bis vexari pro eadem causa" i.e. a man shall not be twice vexed for one and the same cause ?
(A) Section 300
(B) Section 301
(C) Section 302
(D) Section 303

49. Chapter V of the Indian Evidence Act, 1872 deals with :
(A) Oral Evidence
(B) Documentary Evidence
(C) Burden of Proof
(D) Witnesses

50. Section 62 of the Indian Evidence Act, 1872 deals with :
(A) Primary Evidence
(B) Secondary Evidence
(C) Proof of Documents by Primary Evidence
(D) Cases in which Secondary Evidence relating to Documents may be given

51. Which of the following is transferable property ?
(A) Actionable claim
(B) Pension
(C) Right of way
(D) Chance of legacy

52. Where mortgagee is entitled to enjoy the benefits of the mortgaged property in lieu of interest on debt, the mortgage is called :
(A) Simple Mortgage
(B) Equitable Mortgage
(C) Usufructuary Mortgage
(D) English Mortgage

53. Which of the following is not a duty of the seller ?
(A) To produce title deeds
(B) To disclose patent defects
(C) To execute conveyance
(D) To pay the outgoings

54. Consideration for lease is :
(A) License
(B) Price
(C) Debt
(D) Premium

55. A person who projects himself to be the owner when he is not is called :
(A) Ostensible owner
(B) Co-owner
(C) Equitable owner
(D) None of the above

56. Section 14 of the T. P. Act deals with :
(A) Conditional Transfer
(B) Vested Interest
(C) Rule Against Perpetuity
(D) Restricted Covenant

57. The period of limitation for filing of a suit on the basis of a promissory note from the date of its execution is :

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

58. The limitation period in a suit by a surety against a co-surety when the surety pays anything in excess of his own share is :

(A) One year
(B) Three years
(C) Six years
(D) Twelve years

59. What is the limitation period in a suit by a landlord to recover possession from a tenant after the date the tenancy is determined ?

(A) One year
(B) Three years
(C) Six years
(D) Twelve years

60. For a review of judgement by a Court other than the Supreme Court, from the date of the decree or order, the limitation is:

(A) One year
(B) Three years
(C) Six years
(D) Twelve years

61. In computing the period of limitation for an appeal, a review or revision, the time requisite for obtaining a copy of the decree or the order appealed against shall be excluded under :

(A) Section 11(1)
(B) Section 12(2)
(C) Section 13(3)
(D) Section 14(4)

62. 'Time requisite' under Section 12(2) of the Limitation Act means :

(A) Absolutely necessary time
(B) Actual time taken
(C) Maximum time
(D) Minimum time

63. Section 17 of the Limitation Act takes within its ambit :

(A) Concealments
(B) Frauds
(C) Mistakes
(D) All of the above

64. Section 17 of the Limitation Act does not take within its ambit :

(A) An appeal
(B) An execution application
(C) A suit
(D) All of the above

65. The period of limitation for setting aside a sale on execution of a decree, is :

(A) 30 days
(B) 60 days
(C) 90 days
(D) 180 days

66. Which of the following amount to presenting civil proceedings with 'due diligence and in good faith' within the meaning of Section 14 of the Limitation Act ?

(A) Failure to pay the requisite court fee found deficient
(B) Error of judgement in valuing a suit
(C) Both (a) and (b)
(D) Neither (a) nor (b)

67. In which of the following cases the Court by going negatively with women's right to property, disqualified the daughter-in- laws right to father-in-laws property on the ground that the son had murdered his own father ?

(A) Vallikannu Vs R. Sengaperumal, A.I.R. 2005
(B) Narashimha Murthy Vs Sushilabai, A.I.R. 1996
(C) Gurupad Vs Heerabai, A.I.R. 1978
(D) Shyama Devi Vs Manju Shukla (1994) 6 S.C.C.

68. Presumption that the younger survived the elder under Section 21 of the Hindu Succession Act, 1956 is a:

(A) Presumption of fact
(B) Presumption of fact and law
(C) Rebuttable presumption of law
(D) Irrebuttable presumption law

69. Which Section of the following of the Indian Succession Act, 1925 treats agnates and cognates and male and female heirs equally ?

(A) Section 27(a)
(B) Section 27(b)
(C) Section 33-A
(D) Section 26

70. 'A' who is governed by Indian Succession Act, executes an instrument purporting to his will, but he does not understand the nature of the instrument, nor the effect of its provision. This instrument is :

(A) Valid
(B) Invalid
(C) Voidable
(D) None of the above

71. In which Section of the following of the Indian Succession Act, 1925 it is provided that where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void under :

(A) Section 111
(B) Section 112
(C) Section 114
(D) Section 116

72. 'A' by his will, bequeaths to 'B' the sum of Rs. 5,000 and afterwards in the same will repeats the bequest in the same words. 'B' is entitled to :

(A) One legacy of Rs. 5,000
(B) Both legacy of Rs. 5,000
(C) Legacy becomes invalid
(D) None of the above

73. Schedule V of the Indian Succession Act, 1925 deals with :

(A) Form of Certificate
(B) Form of Caveat
(C) Form of Probate
(D) Form of Letters of Administration

74. Section 14 of the Hindu Succession Act, 1956 applies to :

(A) Movable property
(B) Immovable property
(C) Both movable and immovable property
(D) None of the above

75. A suit for Possession under Section 5 of the Specific Relief Act, can be filed within :

(A) 3 years
(B) 6 years
(C) 9 years
(D) 12 years

76. Under the Specific Relief Act, a suit for Recovery of Possession can be filed :

(A) Only in respect to movable property
(B) Only in respect to immovable property
(C) Both (a) and (b)
(D) None of the above

77. Section 26 of the Specific Relief Act fixes the time limit for discovery of mistake or fraud to be:

(A) Six months
(B) Three months
(C) One year
(D) None of the above

78. A claim for damages in suit for injection can be laid down :

(A) Under Section 38 of the Specific Relief Act
(B) Under Section 39 of the Specific Relief Act
(C) Under Section 40 of the Specific Relief Act
(D) Under Section 37 of the Specific Relief Act

79. Section 11 of the Specific Relief Act, 1930 provides for :

(A) Specific Performance of a part of the contract
(B) Defence respecting suits for Relief based on Contract
(C) Specific Performance of Contracts connected with Trusts
(D) Circumstances in which Specific Performance of a Contract is enforceable

80. Obligation under Specific Relief Act :

(A) Is a right in rem
(B) Is a right in personam
(C) Both (a) and (b)
(D) None of the above

81. Under the Specific Relief Act, the declaratory decree can:

(A) Be declined
(B) Not be declined
(C) Be commuted
(D) Be withheld

82. Under Section 12(2) of the Specific Relief Act, 1963, part performance of a Contract can be enforced by :

(A) The Promisor
(B) The Promisee
(C) Both (a) and (b)
(D) None of the above

83. Section 8 of the Specific Relief Act can be invoked :

(A) Against a person who has possession or control over the property
(B) Against the person who is the owner of the article claimed
(C) By the person not entitled to the possession of the article
(D) In respect of the ordinary article

84. In a suit under 6 of the Specific Relief Act, the Court can:

(A) Adjudicate on the title
(B) Direct the defendant(s) to remove the structure
(C) Permit the plaintiff to pull down the structure
(D) None of the above

85. The term 'donatio mortis causa' refers to:

(A) Death bed gift
(B) Actionable claims
(C) Universal donee
(D) None of the above

86. Right of redemption arises in the case of:

(A) Gifts
(B) Mortgage
(C) Lease
(D) Exchange

87. Which of the following is a doctrine of equity ?

(A) Doctrine of redemption
(B) Doctrine of consolidation
(C) Doctrine of lis pendens
(D) Doctrine of marshalling

88. Which of the following deals with the doctrine of election ?

(A) Section 45
(B) Section 15
(C) Section 53-A
(D) Section 35

89. To convert a proposal into a promise, the acceptance must be :

(A) Absolute and qualified
(B) Absolute and unqualified
(C) Unusual and reasonable
(D) Usual and qualified

90. Contracts of Adhesion are :

(A) Unfair contracts
(B) Unlawful contracts
(C) Contracts of adults
(D) Standard form contracts

91. A agrees with B to discover treasure by magic. The agreement is :

(A) Void
(B) Voidable
(C) Illegal
(D) Unnatural

92. If the goods are bailed for hire, the bailor is responsible for damages for the faults in the bailed goods which :

(A) He is aware
(B) He is not aware
(C) He is aware and unaware
(D) He is reasonably aware

93. A contract of guarantee may be :

(A) Oral
(B) Written
(C) Oral or Written
(D) None of the above

94. If the promisor absolutely repudiates the contract prior to the promised date of performance, it is :

(A) Frustration
(B) Impossibility of performance
(C) Final breach
(D) Anticipatory breach

95. If a person is employed by and acting under the control of the original agent in the business of agency, he is known as :

(A) Sub-agent
(B) Substituted Agent
(C) Del-credere Agent
(D) Merchantile Agent

96. A contracts to pay B Rs. 20,000 if B's house is burnt. It is a:

(A) Wagering Contract
(B) Quasi Contract
(C) Contingent Contract
(D) Illegal Contract

97. To create an agency :

(A) Consideration is necessary
(B) Consideration is not necessary
(C) Some consideration is necessary
(D) Adequate consideration is necessary

98. Every agreement, of which the object or consideration is unlawful, is :

(A) Void
(B) Voidable
(C) Illegal
(D) Unfair

99. 'Heir' has been defined under :

(A) Section 3(d) of the Hindu Succession Act
(B) Section 3(e) of the Hindu Succession Act
(C) Section 3(f) of the Hindu Succession Act
(D) Section 3(g) of the Hindu Succession Act

100. Hindu Succession Amendment Act, 2005 came into effect on:

(A) 9th June, 2005
(B) 9th August, 2005
(C) 9th July, 2005
(D) 9th September, 2005

De Facto IAS