Odisha Judicial Service (Prelims) 2012

Odisha Public Service Commission · CJ-05/12 · Series A · 100 questions

Preliminary Examination

1. R. C. Cooper vs Union of India is commonly known as:

(A) Privy Purse Case
(B) Fundamental Right Case
(C) Bank Nationalisation Case
(D) Mandal Commission Case

2. Number of fundamental rights guaranteed only to citizens are:

(A) 5
(B) 6
(C) 9
(D) 10

3. Following Schedule relates to the Municipality:

(A) VII
(B) IX
(C) XI
(D) XII

4. Presidential satisfaction for imposing President Rule is:

(A) Subject to judicial review on the ground of malafide
(B) Subject to judicial review
(C) Not subject to judicial review
(D) Subject to judicial review after the rule ends

5. The current Lokpal Bill was introduced under:

(A) Article 248
(B) Article 252
(C) Article 253
(D) Article 246

6. The Legislature of a State may impose restrictions on trade, commerce and intercourse under:

(A) Article 302
(B) Article 303
(C) Article 304
(D) Article 305

7. Article 245 has been interpreted on the basis of:

(A) Doctrine of Territorial Nexus
(B) Doctrine of Colourable Legislation
(C) Doctrine of Eclipse
(D) Doctrine of Pith and Substance

8. By the 42nd Amendment Act the Preamble of the Constitution has been amended at:

(A) One Place
(B) Two Places
(C) Three Places
(D) None of the above

9. The following state has two Houses:

(A) Orissa
(B) Karnataka
(C) Chhattisgarh
(D) Arunachal Pradesh

10. The provisions dealing with the Supreme Court can be amended:

(A) By absolute majority
(B) By absolute majority and ratification
(C) By special majority and ratification
(D) By special majority

11. A suit is bad for non-joinder of a necessary party, as provided:

(A) Under Order 1, Rule 10 of CPC
(B) Under Order 1, Rule 9 of CPC
(C) Under Order 1, Rule 10A of CPC
(D) Under Order 1, Rule 11 of CPC

12. Legal representative under Section 2(11) of CPC means a person who is a:

(A) Relative of parties to the suit
(B) Co-sharer of the benefits assuming to the parties
(C) Close neighbour
(D) Who in law represents the estate of the deceased person

13. Court can direct the parties to opt for any one mode of alternative dispute resolution under:

(A) Order X, Rule 1A of CPC
(B) Order X, Rule 1B of CPC
(C) Order XI, Rule 1 of CPC
(D) Order XII, Rule 2 of CPC

14. Discovery by interrogatories and inspection has been provided:

(A) Under order X of CPC
(B) Under order XI of CPC
(C) Under order XV of CPC
(D) Under order XVI of CPC

15. Clerical or arithmetical mistakes in judgements, decrees or orders etc. can be corrected:

(A) Under Section 152 of CPC
(B) Under Section 153 of CPC
(C) Under Section 151 of CPC
(D) Under Section 153A of CPC

16. Compensatory costs in respect of false or vexatious claims or defences are imposed:

(A) Under Section 34 of CPC
(B) Under Section 35 of CPC
(C) Under Section 35A of CPC
(D) Under Section 35B of CPC

17. Abetment of proceedings is governed:

(A) By order XXI of CPC
(B) By order XXII of CPC
(C) By order XXIV of CPC
(D) By order XX of CPC

18. A temporary injunction can be granted to a party establishing:

(A) That there is prima facie case in his favour
(B) Irreparable injury to him in case injunction is not granted
(C) Balance of convenience in his favour
(D) All of the above

19. Right to appeal from original decree has been provided under:

(A) Section 94 of CPC
(B) Section 95 of CPC
(C) Section 96 of CPC
(D) Section 100 of CPC

20. Adjournment can be granted:

(A) Under Order XIV Rule 1 CPC
(B) Under Order XV Rule 2 CPC
(C) Under Order XVI Rule 3 CPC
(D) Under Order XVII Rule 1 CPC

21. Non-Cognizable offence means:

(A) A police officer has authority to arrest without warrant
(B) A police officer cannot arrest without warrant
(C) It depends upon the discretion of the police officer
(D) On request of complainant, arrest can be made

22. Under which Section of Cr. P. C., the Assistant Public Prosecutor is appointed?

(A) Section 20
(B) Section 24
(C) Section 13
(D) Section 25

23. Which of the following can make the arrest?

(A) A Police Officer
(B) A Magistrate.
(C) A Private Person
(D) All of the above

24. Under Section 50, Cr. P. C. it is not mandatory to inform the arrested person that he is entitled to be released on bail:

(A) With warrant
(B) Without warrant
(C) With warrant for bailable offence
(D) Without warrant for non-bailable offence

25. A summons issued by a Court must be in:

(A) Duplicate
(B) Triplicate
(C) Writing and Duplicate
(D) Writing and Triplicate

26. An Executive Magistrate is empowered to grant remand under Section 167, Cr. P. C. for a maximum period of:

(A) 15 days
(B) 7 days
(C) 60 days
(D) 90 days

27. Which Section provides for joint trial for several persons?

(A) Section 220
(B) Section 221
(C) Section 222
(D) Section 223

28. Power of the Court to convert Summons- cases into Warrant-cases is provided under:

(A) Section 258
(B) Section 259
(C) Section 260
(D) Section 261

29. Which Section empowers the Court to examine the accused?

(A) Section 312
(B) Section 313
(C) Section 314
(D) Section 315

30. Under Section 357, an order of compensation can be passed by the:

(A) Trial Court
(B) Appellate Court / High Court or Sessions Court
(C) Both (a) and (b)
(D) Only (b)

31. The object of Indian Evidence Act, 1872 as set out in the Preamble is:

(A) To repeal certain parts and to consolidate, define and amend the Law of Evidence
(B) To consolidate, define and amend the Law of Evidence
(C) To define and amend the Law of Evidence
(D) To repeal certain parts and to define and amend the Law of Evidence

32. Law of Evidence is:

(A) A Substantive Law
(B) An Adjective Law
(C) Both (a) and (b)
(D) Neither (a) nor (b)

33. Under the Indian Evidence Act, 1872, the relevant fact:

(A) Must be legally relevant
(B) Must be logically relevant
(C) Must be logically and legally relevant
(D) Must be logically and legally relevant and admissible

34. Confession of one accused is admissible against co-accused:

(A) If they are tried jointly for different offences
(B) If they are tried for the same offence but not jointly
(C) If they are tried for different offences and not jointly
(D) If they are tried jointly for the same offence

35. A dying declaration is relevant in India:

(A) Only In criminal proceedings
(B) Only in Summary proceeding
(C) Only In civil proceedings
(D) In civil as well as criminal proceedings

36. The opinion of an expert can be on the question of;

(A) Foreign Law
(B) Indian Law
(C) Both (a) and (b)
(D) Only (b) and not (a)

37. Secondary evidence is admissible:

(A) Where the non-production of primary evidence has not been accounted for
(B) Irrespective of whether the nonproduction of primary evidence has been accounted for or not
(C) Where the non-production of primary evidence has been accounted for
(D) Both (a) and (b) are correct

38. A is charged with travelling on a railway without a ticket:

(A) The burden of proving that he did not have the ticket is on the prosecution
(B) The burden of proving that he did not have the ticket is on the party who asserts it
(C) The burden of proof is on railway authorities
(D) The burden of proving that he had a ticket is on him

39. When a document creating an obligation is in the hands of the obligor, the obligation has been discharged:

(A) It is a presumption of Law
(B) It is a presumption of Fact
(C) It is an irrebuttable presumption of Law
(D) It is a mixed presumption of Law and Fact

40. The husband and wife are competent witnesses for or against each other:

(A) In civil proceedings
(B) in criminal proceedings
(C) Both in civil and criminal proceedings
(D) These are privileged communications, cannot be disclosed

41. Fraudulently has been defined as doing anything with intent to defraud:

(A) Section 23
(B) Section 25
(C) Section 24
(D) Section 26

42. Section 34 of IPC:

(A) Creates a substantive offence
(B) Is a rule of evidence
(C) Both (a) and (b)
(D) Neither (a) nor (b)

43. The maxim "ignorantia juris non excusat" means:

(A) Ignorance of Law is no excuse
(B) Ignorance of Fact is no excuse
(C) Ignorance of Law is an excuse
(D) Ignorance of Fact is an excuse

44. Section 84 of IPC provides for:

(A) Medical insanity
(B) Legal insanity
(C) Moral insanity
(D) All of the above

45. The right to private defence is based on the natural instinct of:

(A) Self Preservation
(B) Self Respect
(C) Self Sufficiency
(D) Self Reliance

46. Chapter XX of IPC deals with:

(A) Offences related marriage
(B) Defamation
(C) Offences against property
(D) None of the above

47. The essential ingredients of a crime are:

(A) Motive, mens rea and actus reus
(B) Motive, intention and knowledge
(C) Actus reus and mens rea
(D) Knowledge, intention and action

48. In which case Supreme Court held that the defence of drunken can be availed of only when intoxication produces such a condition as the accused loses the requisite intention for the offence:

(A) Appa Salved vrs State of Maharashtra, AIR 2007 SC 763
(B) Mubarak Hussain vrs State of Rajasthan, AIR 2007 SC 697
(C) Neetu vrs State of Punjab, AIR 2007 SC 758
(D) Kama la Devi vrs K. Kanwar, AIR 2007 SC 663

49. Sex with a girl through fraudulent consent, amounts to:

(A) Simple physical assault
(B) Molestation
(C) Attempt to rape
(D) Rape

50. Every murder is culpable homicide but not vice-versa. The statement:

(A) Is true
(B) Is false
(C) Depends upon the circumstances
(D) Depends upon the degree of probability

51. The Limitation Act and the Code of Civil Procedure are to be read together because both are statutes relating to procedure and they are in:

(A) Pari Materia
(B) Modus Operandi
(C) Colourable Legislations
(D) Doctrine of Acquiescence

52. For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties the period of limitation is:

(A) 3 years
(B) 12 years
(C) 4 years
(D) 30 years

53. For possession of immoveable property when the plaintiff has become entitled to possession by reason of any forfeiture or breach of condition the period of limitation is_____ when the forfeiture is incurred or the condition is broken.

(A) 3 years
(B) 12 years
(C) 9 years
(D) 1 year

54. Where the period of limitation for filing a suit expired on 28th May, 1981 ; but no judge or officer could enter into the court premises due to picketing of the Civil Court from 19th to 29th May, the presentation of the plaint on 30th May, was held to be:

(A) Delayed
(B) In time since Section 4 is an exception to general rule laid down in Section 3 of the Act
(C) Inordinate delay
(D) None of the above

55. Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day:

(A) When the court reopens within 30 days
(B) According to the advocate wishes
(C) Before closing of the court
(D) When the court reopens

56. Appeal from an order of acquittal under Section 417(1) or (2) of the Code of Criminal Procedure is_____ from the date of the order appealed.

(A) 30 days
(B) 90 days
(C) 60 days
(D) 12 months

57. The acquisition of easementary right is acquired by prescription after_____ uninterrupted with the person.

(A) 30 years
(B) 20 years
(C) 15 years
(D) 5 years

58. To set aside a sale in execution of a decree including any such application by judgement debtor_____ from the date of sale.

(A) 60 days
(B) 30 days
(C) 90 days
(D) 3 years

59. The Law of Limitations bars action in the Court but not:

(A) Plea of change of law
(B) Plea of defence
(C) Plea of Ignorance
(D) Plea of estoppels

60. Any suit for which no period of limitation is provided elsewhere in this schedule the period of limitation is_____ when the right to sue accrues.

(A) 9 years
(B) 6 years
(C) 1 year
(D) 3 years

61. Attached to the earth means:

(A) Things rooted in the earth
(B) Things imbedded in the earth
(C) Things attached to what is so imbedded in the earth
(D) All of the above

62. A transfers Rs. 5,000 to B on condition that B resides with A, otherwise to C. The transfer in favour of C is:

(A) Collateral Transfer
(B) Condition Precedent
(C) Ulterior Transfer
(D) None of the above

63. Restrictive covenants are:

(A) Such contracts which restrict the use or enjoyment
(B) Conditions imposed by transferor restricting use or enjoyment
(C) Both of the above
(D) None of the above

64. Feeding the estoppel by grant is a doctrine of:

(A) Section 42
(B) Section 43
(C) Section 44
(D) Section 45

65. Mahomed Musa vrs Aghore Kumar Ganguli (42 I.A. 1) is the leading case of:

(A) Lis Pendens
(B) Fraudulent Transfer
(C) Doctrine of Election
(D) Past Performance

66. English mortgage means:

(A) Mortgagor should bind himself to repay mortgage money
(B) Property mortgaged should be absolutely transferred to mortgagee
(C) On the payment of mortgage money mortgagee will reconvey the property
(D) All of the above

67. Where two persons mutually transfer the ownership of one thing for the ownership of another, the transaction is:
(A) Sale
(B) Actionable claim
(C) Exchange
(D) Charge

68. A lease can be determined:
(A) By merger
(B) By forfeiture
(C) By surrender
(D) By all of the above

69. Redeem up, foreclose down is the rights of a:
(A) Assignee
(B) Mortgagee
(C) Mesne mortgagee
(D) Donee

70. No mortgagee paying off a prior mortgage shall thereby acquire any priority in respect of his original security. It is:
(A) Rules of Marshalling
(B) Rules against tacking
(C) Rules of subrogation
(D) None of the above

71. Law of Contracts is:
(A) The whole law of agreements
(B) The whole law of obligations
(C) The law of agreements creating obligations
(D) The law of obligations arising out of contracts

72. Announcement of Auction Sale without reserve is an:
(A) Invitation to offer
(B) Offer
(C) Incomplete offer
(D) Inchoate offer

73. Consideration may be:
(A) Present or past or future
(B) Present or future
(C) Present or past
(D) Past or future

74. Obligations resembling those created by contract are known as:
(A) Contingent contracts
(B) Wagering contracts
(C) Quasi-contracts
(D) Irregular contracts

75. The right of subrogation in a contract of guarantee is available to the:
(A) Creditor
(B) Principal Debtor
(C) Surety
(D) Indemnifier

76. General lien is available to:
(A) Bailee
(B) Bailor
(C) Pawnee
(D) Banker

77. 'S' said to a shop keeper..... "Let 'P' have the goods, I will see you paid." This is a:
(A) Contract of Guarantee
(B) Contract of Indemnity
(C) Contract of Wager
(D) Contingent Contract

78. When consent is caused by fraud or misrepresentation, the contract is:
(A) Voidable at the option of the aggrieved party
(B) Void
(C) Unenforceable
(D) Irregular

79. The foundation of law of damages for breach of contract is laid down in:
(A) Tinn vrs Hoffman
(B) Taylor vrs Cladwell
(C) Addis vrs Gramaphone Co.
(D) Hadley vrs Baxandale

80. Acceptance of lesser sum in full satisfaction of the debt:
(A) Discharges the debt
(B) Discharges only the paid part of the debt
(C) Discharges the paid part and interest thereon
(D) Gives a right to sue for the balance amount

81. Under the Hindu Succession Act, the property of a male Hindu dying intestate shall devolve according to the provisions of:
(A) Section 8
(B) Section 9
(C) Section 6
(D) Section 14

82. A dies after the commencement of the Hindu Succession Act, leaving behind three sons, B, C and D. The interest in the property passes to by:

(A) Sapind relationship
(B) Testamentary succession
(C) Survivorship
(D) Limited estate

83. Any property possessed by a female Hindu whether acquired before or after the commencement of the Act shall be held by her as:

(A) Limited owner
(B) Ancestral property
(C) Stridhana property
(D) Full owner

84. One who is related by blood to the deceased through female is known as:

(A) Agnate
(B) Cognate
(C) Sapindas
(D) Dependant

85. A Hindu dies leaving behind father and son's daughter's son. They are:

(A) Class I heirs
(B) Class II heirs
(C) Preferential heirs
(D) None of the above

86. The Indian Succession Act applies only to the cases of:

(A) Self acquired property
(B) Ancestral property
(C) Survivorship
(D) Intestate and testamentary succession

87. To manage the estate of the deceased an Administrator is appointed by:

(A) Testator
(B) Government
(C) Court
(D) Family of the deceased

88. A Holograph Will is a will written by the:

(A) Coparcener
(B) Advocate
(C) Successor
(D) Testator

89. A legacy is bequeathed to A and in case of his death to B. If A survives the testator, the legacy to B:

(A) Does not take effect
(B) Becomes vested
(C) Takes effect
(D) Representatives of B takes

90. A copy of the will certified under the seal of the Court, with a grant administration to the estate of the testator is known as:

(A) Letter of administration
(B) Probate
(C) Executor
(D) Privileged will

91. The following Section of the Specific Relief Act deals with contracts with specific performance with variation:

(A) Section 21
(B) Section 32
(C) Section 18
(D) Section 19

92. The principle in which Section 12 of the Specific Relief Act is based on:

(A) "Equity looks to the substance rather than to the mere letter of a contract"
(B) "Equity looks to the substance of the contract and requires substantial compliance with its conditions rather than its literal fulfilment"
(C) Both (a) and (b)
(D) None of the above

93. The principle 'Doctrine of Specific Performance' is based on:

(A) Specific performance will not be granted where damages are an adequate remedy
(B) The granting of specific performance is within the discretion of the court
(C) Specific performance would be refused where the contract was wanting mutuality at the time when it was entered into
(D) All of the above

94. One of the following statements is not applicable according to Section 8 of the Specific Relief Act:

(A) No suit can be brought against the owner
(B) A person having a special right to present possession may bring the suit even against the owner of the property
(C) A decree is for the return of movable property
(D) A decree is for the money value against a movable property

95. According to Section 15 one of the following persons cannot enforce the Specific Performance of a contract:

(A) The representative-in-interest or the principal
(B) A reversioner in possession
(C) A reversioner in reminder
(D) A reminder man for tenant not for life

96. Contracts which cannot be enforced under Section 14 of the Specific Relief Act:

(A) Where compensation is adequate remedy
(B) Contracts involving personal skill
(C) Contracts of Determinable Nature
(D) All of the above

97. One of the following is a contract which has been held not 'indivisible':

(A) A contract for the sale of property in one lot
(B) A contract for the sale of plot of land cannot be regarded as separate contract for selling different portion of the plot
(C) Where property is sold in distinct lots, with separate contract for each lot
(D) Where a person enter into a mutual contract for sale or purchase

98. In a suit for Specific Performance the defendant may set up the following grounds:

(A) Uncertainty and Excess of power
(B) Hardship and Unfair Advantage
(C) Both (a) and (b)
(D) None of the above

99. Rectification of an instrument under the Specific Relief Act is allowed when Fraud or Mutual Mistake of the parties to a contract is allowed under:

(A) Section 26 (1)
(B) Section 27
(C) Section 22
(D) None of the above

100. Refuse to rescind a contract by a court is laid down in one of the following Sections of the Specific Relief Act:

(A) Section 26 (2)
(B) Section 27 (2)
(C) Section 28
(D) Section 29