Odisha Judicial Service (Prelims) 2021

Odisha Public Service Commission · Series A · 27 March 2022 · 100 questions

Preliminary Examination

1. Consider the following statements: Article 20 of the Constitution of India provides that, (i) No person accused of any offence shall be compelled to be a witness against himself (ii) No person shall be prosecuted for the same offence more than once. Of the above statements:

(A) Only (i) is true
(B) Only (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

2. The President of India may be removed from his office on which of the following ground/s?

(A) Proved misbehaviour
(B) Incapacity
(C) Both (A) and (B)
(D) Violation of the Constitution

3. In which case it was laid down that the "emendment in the Constitution is exercise of legislative function of the Parliament"?

(A) Shankari Prasad v. Union of India
(B) Golakh Nath v. State of Punjab
(C) Sajjan Singh v. State of Punjab
(D) Keshavanand Bharti v. State of Kerala

4. The power of Judicial Review in India is prossessed by:

(A) Supreme Court of India only
(B) All the High Courts only
(C) All the Courts in India
(D) Supreme Court as well as High Courts

5. Council of States can withhold Money Bill for a period of:

(A) 14 days
(B) One month
(C) Three months
(D) None of these

6. Which one of the following is the correct statement? In deciding the question as to the disqualification of a Member of Parliament, the President shall act:

(A) According to the opinion of Election Commission
(B) According to the opinion of the Supreme Court
(C) With the aid and advice of the Council of Ministers
(D) In his own discretion

7. Which one of the following is not an essential condition for appointment as a judge of the Supreme Court?

(A) A citizen of India
(B) At least five years' experience as judge of a High Court or of two or more such courts in succession
(C) Must have completed the age of 35 years
(D) At least ten years' experience as an advocate of High Court or of two or more such courts in succession

8. Article 21 of the Constitution of India incorporates the right to "Doctor's assistance". In which of the following cases, this was decided?

(A) Indian Medical Council v. V. P. Shantha
(B) Sunil Batra v. Delhi Administration
(C) Parmanand Katara v. Union of India
(D) "X"v."Z" Hospital

9. Find out the mismatched pair:

(A) S. C. Advocate - on - Record Association v. U. O. I. = Constitutionality of N. J. A. Commission
(B) Shreya Singhal v. U. O. I. = Recognition of unwed mother
(C) Shatrughan Chauhan v. U. O. I. = Clemency Power of President
(D) National Legal Services Authority v. U. O. I. = Recognition of Third Gender

10. Which one of the following cases is related to doctrine of pith and substance?

(A) Dr. Yash Pal v. State of Chhattisgarh
(B) Prafulla Kumar v. Bank of Commerce
(C) D. C. Wadhwa v. State of Bihar
(D) State of Bombay v. F. N. Balsara

11. Pleadings must be signed by:
(A) The party only
(B) The pleader only
(C) The party as well as pleader both
(D) None of these

12. Under Section 3 of CPC, courts of small causes, are subordinate to which of the following:
(A) District Court only
(B) High Court only
(C) Both (A) and (B)
(D) Neither (A) nor (B)

13. Who amongst the following is not "a public officer" within the meaning of Section 2(17) of CPC?
(A) A Judge
(B) A municipal councillor
(C) A person in the service of Government for the performance of public duty
(D) An inspector of police

14. Which of the following provisions is related to set-off under CPC?
(A) Order VIII Rule 5
(B) Order VIII Rule 6
(C) Order VII Rule 5
(D) Order VII Rule 6

15. The foreign judgement, subject to certain exceptions, is given binding character under:
(A) Section 12 of CPC
(B) Section 13 of CPC
(C) Section 14 CPC
(D) Section 15 CPC

16. Under which provision of the Code of Civil Procedure, 1908 the collector may be appointed as receiver?
(A) Order XL Rule 5
(B) Order XLI Rule 1
(C) Order XL Rule 2
(D) Order XLI Rule 5

17. Which one of the following is not a suit of civil nature?
(A) Suit for dissolution of marriage
(B) Suit for rights to hereditary office
(C) Suit for upholding mere dignity or honour
(D) Suit for specific relief

18. Find out the mismatched pair:
(A) Res Judicata = Section 11, CPC
(B) Power of Supreme Court to transfer suits etc. = Section 24, CPC
(C) Compensatory costs in respect of false or vexatious claims or defences = Section 35A, CPC
(D) Costs for causing delay = Section 35B, CPC

19. Find out the mismatched pair:
(A) Exemption of certain women from personal appearance = Section 132, CPC
(B) Prohibition of arrest of women in execution of decree for money = Section 57, CPC
(C) Right To lodge Caveat= Section 148A, CPC
(D) Language of the subordinate courts = Section 137, CPC

20. Which of the following provides for filing of suits by indigent persons:
(A) Order XXXII
(B) Order XXXIII
(C) Order XXIIA
(D) None of these

21. The provisions relating to health and safety of arrested persons have been prescribed under one of the following Sections of the Cr. P. C.?
(A) Section 50 A
(B) Section 53 A
(C) Section 55A
(D) Section 60A

22. Under Section 167 of the Cr. P. C., the magistrate can authorise detention for a total period of 90 days during investigation in cases of offences punishable:
(A) With death
(B) With imprisonment for life
(C) With imprisonment for a term not less than 10 years
(D) All of these

23. What does the expression "transit remand" denote?
(A) It is a transfer of prisoners from one jail to another
(B) It is a transfer of criminal case from one court to another
(C) It is taking out an accused by police from one state to another state
(D) It is taking out of the accused from court to prison

24. A police officer is duty bound to register a case on receiving information of cognizable offence. Reliability of information is not a condition precedent for registration. the above rule is incorporated in:

(A) Section 153 of Cr. P. C.
(B) Section 154 of Cr. P. C.
(C) Section 155 of Cr. P. C.
(D) Section 156 of Cr. P. C.

25. "All evidence in an inquiry or trial shall be taken in the presence of the accused." Which Section of the Cr. P. C. lay down the above rule?

(A) Section 273
(B) Section 274
(C) Section 275
(D) Section 276

26. Which one of the following offences, a Chief Judicial Magistrate, cannot try in a summary way?

(A) Theft, where the value of the property does not exceed two thousand rupees
(B) Theft, where the value of the property stolen exceeds three thousand rupees
(C) A complaint made under the Cattle Trespass Act
(D) Offences under Section 454 and 456 of the IPC

27. The power to grant anticipatory bail under Section 438 Cr. P. C. vests with:

(A) The Court of Magistrate
(B) Only in the Court of Sessions
(C) Only in the High Court
(D) Both the Court of Sessions and High Court

28. Which one of the following Sections of Cr. P. C., deals with High Courts power of revision?

(A) Section 395
(B) Section 401
(C) Section 399
(D) Section 396

29. D. K. Basu v. State of West Bengal (1997) Cr. L. J. 743 is the case dealing with:

(A) Arrest of persons
(B) Mode of taking and receiving evidence
(C) Transfer of criminal cases
(D) None of these

30. Read the following statements: (i) Provisions for Plea Bargaining are contained in Chapter XXIA of the Cr. P. C. (ii) Chapter XXIA of the Cr. P. C. was added on the recommendation of Justice Verma Committee Report. Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

31. The case of R. M. Malkani v. State of Maharashtra is related to which of the following:

(A) Leading Question
(B) Accomplice
(C) Res gestae
(D) None of these

32. "Witnesses are the eyes and ears of Justice", who said so?

(A) Kant
(B) Bentham
(C) Pollock
(D) Ihering

33. Reliability of date of birth for the purpose of Indian Evidence Act is contained in:

(A) Section 33
(B) Section 34
(C) Section 35
(D) Section 36

34. Under Section 14 of the Evidence Act, which of the following facts becomes relevant, namely?

(A) Facts showing state of mind
(B) Facts showing state of body
(C) Facts showing state of bodily feelings
(D) All of these

35. Read the following statements: (i) The term 'confession' is nowhere defined in the Evidence Act (ii) Lord Atkin had clarified 'confession' in Pakla Narain Swami v. Emperor (iii) The SC of India has accepted the definition given by Lord Atkin in Palwinder Kaur v. State of Punjab Of the above statements:

(A) Only (i) and (ii) are true
(B) Only (ii) and (iii) are true
(C) Only (i) and (iii) are true
(D) All (i), (ii) and (iii) are true

36. Read the following statements: (i) The presumption of Legitimacy of child is governed by S. 112 of the Evidence Act (ii) Narendra Nath Pahari v. Ram Govind Pahari is a leading case on the legitimacy of a child born during the subsistence of valid marriage Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is false
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

37. Find out the odd one case:

(A) Pickard v. Sears
(B) Sarat Chunder Dey v. Gopal Chunder Dey
(C) Queen Empress v. Abdullah
(D) Sri Krishna v. Kurukshetra University

38. Assertion (A): 'A' is accused before the court of sessions of attempting to murder a police officer whilst on the trial before 'B', a session judge. 'B' may be examined as to what occurred. Reason (R): Judge or Magistrate is a competent witness.

(A) Both (A) and (R) are true
(B) Both (A) and (R) are false
(C) (A) is true but (R) is false
(D) (A) is false but (R) is true

39. Point out the mismatched pair:

(A) Communication during marriage - Section 112
(B) Evidence as to affairs of state = Section 123
(C) Confidential communication with legal advisers = Section 128
(D) Evidence of an accomplice = Section 133

40. Which Section of Indian Evidence Act defines Leading Question:

(A) Section 138
(B) Section 139
(C) Section 140
(D) Section 141

41. Taking property dishonestly from the dead body:

(A) Does not amount to any offence under IPC
(B) Amounts to the offence of theft
(C) Amounts to the offence of criminal misappropriation
(D) Amounts to the offence of criminal breach of trust

42. In which one of the following cases did the Supreme Court explain the concept of grave and sudden provocation as a mitigating circumstance reducing the gravity of the offence from murder to culpable homicide not amounting to murder?

(A) State v. Dasrath
(B) Jagroop Singh v. State of Haryana
(C) K. M. Nanavati v. State of Maharashtra
(D) UjagarSingh v. Emperor

43. 'X' on receiving grave and sudden provocation from 'Z' intentionally causes the death of 'Y', who is brother of 'Z'. 'X' has committed the offence of:

(A) Murder
(B) Grievous hurt
(C) Culpable homicide not amounting to murder
(D) Attempt to murder

44. 'X' with a view to murdering 'Y' enters Y's bedroom at night when 'Y' is out of station. 'X' is guilty of:

(A) Murder
(B) House trespass
(C) Attempt To murder
(D) Not guilty

45. In which one of the following cases the SC of India has struck down S.303 IPC as unconstitutional?

(A) Machhi Singh v. State of Punjab
(B) Gyan Kaur v. State of Punjab
(C) Mithu v. State of Punjab
(D) Santa Singh v. State of Punjab

46. The case of R. V. Dudley and Stephens is popular for its use as criminal defence of:

(A) Necessity
(B) Self-defence
(C) Good-faith
(D) Mistake of fact

47. Which one of the following statements is correct? In Sedition:

(A) The consequence is immaterial
(B) The consequence is material
(C) The consequence acts as a mitigating factor
(D) The consequence becomes material only if it is foreseen

48. A bullock-cart carrying a box of treasure is intercepted by 'A'. The offence of theft is committed by 'A' if and as soon as:

(A) He seizes the bullock
(B) The bullock is made to move by him in his direction
(C) He takes the box of treasure
(D) He takes the valuable contents of the treasure

49. 'A' obtained a sum of Rs. 10,000 from 'B' by putting 'B' in fear of death. Which one of the following offences was committed by 'A'?

(A) Cheating
(B) Robbery
(C) Mischief
(D) Extortion

50. Use of violence by a member of an assembly of five or more persons in furtherance of common object will Constitute:

(A) Affray
(B) Assault
(C) Rioting
(D) Unlawful assembly

51. Find out the false statement:

(A) The law of limitation is part of lex fori
(B) The Limitation Act, 1963 does not make any racial or class distinction
(C) For filing a writ petition under Article 32 of the Constitution, limitation of 120 days is prescribed in the Act
(D) Provisions of the Act are not applicable for an application under the Religious Endowment Act

52. Under Section 3 of the Limitation Act, the competent court is required to consider the question of limitation:

(A) Only when opposed by the opposite party
(B) Only When the defendant denies the liability
(C) Only when the opposite party fails to reply
(D) Suo motu even when the defendant has not taken any such objection regarding limitation

53. Consider the following: (i) The Supreme Court in N. Balakrishnan v M. Krishnamurthy (1998) 7 SCC 123 refused to condone the delay on the ground of sufficient cause. (ii) In the case of R. B. Ramalingam v. R. B. Bhavneshwari (2009) 2 SCC 689, the SC observed that the test of sufficient cause is purely an individualistic test. Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

54. Consider the following: (i) Under Section 13 of the Limitation Act, the time is excluded if the application for leave to sue or appeal as an indigent person is allowed. (ii) The establishment of 'good faith' is a prerequisite condition before granting benefit of Section 13 to the party. Of the above statements:

(A) Only (i) is true and (ii) is false
(B) Only (ii) is true and (i) is false
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

55. Find out the incorrect statement:

(A) Section 24 of the Limitation Act is unconditional
(B) If a question of limitation arises, the instrument must be deemed to have been made with reference to the Gregorian Calendar
(C) In computing the period of limitation the day from which the period is to be reckoned has to be included
(D) Where a mortgage provided for payment of principal within 3 years from 06.10.2012, the period expires on the midnight of 06.10.2015

56. Section 15 of the Limitation Act, 1963 does not apply to:

(A) Suits
(B) Appeals
(C) Application for the execution of a decree
(D) None of these

57. In which of the following cases, Section 10 of the Limitation Act, 1963 applies?

(A) Express trust only
(B) Implied trust only
(C) Both (A) and (B)
(D) None of these

58. Consider the following: (i) Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it. (ii) In the case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may be, continues. Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

59. Which Section of the Limitation Act, 1963 provides provisions regarding acquisition of easement by prescription?

(A) Section 21
(B) Section 23
(C) Section 25
(D) None of these

60. Under the Transfer of Property Act, 1882 the condition restraining alienation is provided in:

(A) Section 10
(B) Section 9
(C) Section 8
(D) Section 7

61. Which one of the following is not an actionable claim?

(A) Claim for arrears of rent
(B) A share in partnership
(C) A claim to mesne profit
(D) Ordinary as well as endowment life insurance policies

62. The term 'sale' in the TPA, 1882 is defined in Section:

(A) 53
(B) 54
(C) 55
(D) 56

63. Which of the following is not correctly matched with respect to TPA, 1882?

(A) Oral Transfer: Section 9
(B) Rule against perpetuity: Section 14
(C) Doctrine of Election: Section 35
(D) Transfer by Ostensible Owner: Section 40

64. Which one of the following provisions of TPA relate to 'usufructuary mortgage'?

(A) Section 58(a)
(B) Section 58(b)
(C) Section 58(d)
(D) Section 58(e)

65. As per the provisions contained in TPA, in case of gift, if the donee dies before acceptance, then:

(A) The gift is voidable
(B) The gift is valid
(C) The gift is void
(D) None of these

66. "A" transfers Rs. 5000 to "B" on condition that he shall execute a certain lease within three months after "A's" death and if he should neglect to do so, to "C". "B" dies in the lifetime of "A". Which Section of TPA shall apply in deciding legal right of "C"?

(A) Section 27
(B) Section 28
(C) Section 29
(D) Section 30

67. A marriage settlement made to defeat and defraud creditor is voidable under Section 53 TPA This was held in the case of:

(A) Sultan Ahmad v. Rashid AhmadAIR 1990All. 47
(B) Vinayak v. Mureshwar, AIR 1956 Punj 46
(C) Alamelu v. Meenakshi AIR 1960 Mad. 536
(D) None of these

68. Under the provisions of TPA, the unborn person acquires vested right on transfer for his benefit:

(A) Immediately upon his birth
(B) Upon his attaining majority
(C) After death of his father / guardian
(D) None of these

69. Novation of a contract means:

(A) The renewal of original contract
(B) Substitution of a new contact in place of original contract
(C) Cancellation of contract
(D) Alteration of contract

70. "X" enters into a contract with "Y" for which "Y" is guilty of fraud. "X" can:

(A) Set aside the contract and recover damages
(B) Set aside the contract but cannot recover damages
(C) Recover damages but cannot set aside the contract
(D) Recover damages for actual loss suffered

71. When a person making a false statement believes the statement to be true and does not intend to mislead to the other party to the contract, it is known as:

(A) Mistake
(B) Fraud
(C) Misrepresentation
(D) Undue influence

72. Which one of the following statements is correct? Generally quasi-contractual obligations are based on the theory of:

(A) Implied term
(B) Unjust Enrichment
(C) Just and reasonable solution
(D) None of these

73. A contract of life insurance, the performance of which depends upon a future event, falls under the category of:

(A) Contract Of indemnity
(B) Contract of guarantee
(C) Contingent contract
(D) Uncertain contract

74. Lending money to a borrower, at high rate of interest, when the money market is tight, renders the agreement of loan:

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

75. A and B are friends. A told to B to show him a new movie in a posh multiplex, upon which A promised to offer him lunch in a five-star hotel. B showed him a movie in a multiplex, but a gave lunch to B in a road side dhaba. Decide A's liability:

(A) A is liable because there was intention to create legal relationship between A and B
(B) A is not liable because there was no intention to create legal relationship between A and B
(C) A was mistaken
(D) B was mistaken

76. Which one of the following cases is related to damages for breach of contract?

(A) Lalman Shukla v. Gauri Dutt
(B) Carlil v. Carbolic Smoke Ball Co.
(C) Hadley v. Vaxendale
(D) Taylor v. Caldwell

77. If no time is specified in the contract for its performance:

(A) The contract is void for uncertainty
(B) The contract is voidable at the option of either party
(C) The contract is not void for uncertainty and it may be performed within a reasonable time
(D) The contract is void as time is the essence of contract

78. Who among the following is not a Class I heir as per the HS Act, 1956?

(A) Widow of a predeceased son
(B) Son of a predeceased son
(C) Brother's son
(D) Son of a predeceased daughter

79. Consider the following: (i) A child, who was in the womb at the time of the death of an intestate, shall not inherit the intestate even if he / she is born alive under the provisions of the HS Act, 1956. (ii) If a Hindu has ceased to be a Hindu by conversion to another religion, children born to him / her after such conversion and their descendants shall be disqualified from inheriting the property of any of their Hindu relatives. Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

80. Consider the following: (i) A person shall be disqualified from succeeding to any property under the HS Act, 1956 if he is blind or impotent. (ii) If an intestate has left no heir qualified to succeed to his / her property, such property shall devolve on the Government, as per provision contained in HS Act Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

81. Who among the following is not a Class II heir as per the HS Act, 1956?

(A) Father
(B) Son's daughter's son
(C) Widow of a predeceased son
(D) Father's mother

82. Which one of the following Section of the HS Act, 1956 provides that property of a female Hindu to be her absolute property?

(A) Section 11
(B) Section 12
(C) Section 13
(D) Section 14

83. The provision of the HS Act do not apply on which of the followings:

(A) To Arya Samajis
(B) To illegitimate child, both of whose parent are Hindus
(C) To any person who is a convert to Hindu religion
(D) To a member of scheduled tribe within the meaning of Clause 25 of Article 366 of the Constitution of India

84. Find out the incorrect statement regarding will making:

(A) A person of sound mind, as long as he is not a minor, can make a will
(B) As per Section 74 of the Indian Succession Act, a format is prescribed for drafting a will
(C) A person can make a will any time and any number of times
(D) The will is signed by the maker and two witnesses

85. Read the following in context of the Indian Succession Act: (i) The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth, his father was domiciled. (ii) The domicile of origin of an illegitimate child is in the country in which at the time of his birth, his mother was domiciled. Of the above statements:

(A) (i) is true but (ii) is false
(B) (i) is false but (ii) is true
(C) Both (i) and (ii) are true
(D) Both (i) and (ii) are false

86. Part VI of the Indian Succession Act deals with:

(A) Testamentary succession
(B) Intestate succession
(C) Protection of property of deceased
(D) Probates, letter of administration and administration of assets of deceased

87. An order of decree under Section 6 of the Specific Relief Act is:

(A) Appealable only
(B) Reviewable only
(C) Appealable as well as reviewable
(D) Neither appealable nor reviewable

88. The general principles on which the perpetual injunction could be granted under the SR Act are contained in:

(A) Section 37
(B) Section 38
(C) Section 39
(D) Section 40

89. Part III of the SR Act, 1963 deals with:

(A) Specific relief
(B) Declaratory decrees
(C) Preventive relief
(D) None of these

90. Under Section 10, which of the following can be specifically enforced?

(A) Contingent contracts
(B) Contract To form partnership
(C) Contract to get back objects of historic value
(D) Marriage contract

91. Section 26 of the SR Act fixes the time limit for discovery of mistake or fraud to be:

(A) Six months
(B) Three months
(C) One year
(D) No time limit is fixed

92. Relief of rescission is granted in cases:

(A) Where the contract is void
(B) Where the contract is voidable
(C) Where The contract is both void and voidable
(D) Where the contract is neither void or voidable

93. Which Section of the SR Act provides for grant of temporary and permanent injunctions?

(A) Section 35
(B) Section 36
(C) Section 37
(D) None of these

94. Section 31 of the SR Act is related to:

(A) Cancellation of instruments
(B) Partial cancellation of instruments
(C) Rescission of contract
(D) None of these

95. Power to award compensation in certain case is contained in which of the following Sections:

(A) Section 20
(B) Section 21
(C) Section 22
(D) None of these

96. The term 'domestic violence' in the Protection of Women from Domestic Violence Act, 2005 is based on:

(A) UN Framework for Model Legislation on Domestic Violence and UN Declaration on Elimination of Violence against Women
(B) ICCPR and ICESCR
(C) UDHR
(D) Constitution of India

97. "Magistrate" under Protection of Women from Domestic Violence means:

(A) Judicial Magistrate of First Class
(B) Metropolitan Magistrate exercising Jurisdiction under Cr. P C.
(C) Judicial Magistrate of Second Class
(D) Both (A) and (B)

98. Which of the following orders may be passed by a Magistrate in relation to domestic violence?

(A) Protection order
(B) Residence order
(C) Monetary reliefs
(D) All of these

99. A Protection officer under the Protection of Women from Domestic Violence Act, 2005 is a:

(A) Civil servant
(B) Public servant
(C) Government servant
(D) None of these

100. Under the Protection of Women from Domestic Violence Act, on what basis, the concerned magistrate may pass an ex parte or interim order?

(A) Affidavit
(B) Statement made by parties before the magistrate
(C) Both (A) and (B)
(D) None of these