Punjab Civil Judge (Prelims) 2016

Punjab Civil Services (Judicial Branch) · 15 January 2017 · Code A · 125 questions

Preliminary Examination

1. In computing the period of limitation under Code of Criminal Procedure,1973, in relation to an offence, the day from which such period is to be computed :-

a. shall be included.
b. shall be excluded.
c. shall either be excluded or included as per discretion of prosecution.
d. shall either be excluded or included as per discretion of defence.
e. None of these.

2. A Money bill passed by the Lok Sabha is deemed to have been passed by the Rajya Sabha when no action is taken by the Rajya Sabha within:

a. 10 days
b. 14 days
c. 20 days
d. 30 days
e. None of these.

3. As per the Constitution of India, the legislative Assembly of a state shall consist of more than 500 and not less than 60 members, but which one of the following states has got only 32 members?

a. Delhi
b. Sikkim
c. Goa
d. Puducherry
e. None of these

4. Under Indian Contract Act, 1872, if the time is essence of a contract and the promisor fails to perform the contract by the specified time, the contract :-

a. becomes void
b. remains valid
c. becomes voidable at the instance of the promisee
d. becomes unenforceable
e. None of these

5. 'A' contracts to pay 'B' a sum of Rs. 10,000 when 'B' marries 'C'. This is a type of _____ under Indian Contract Act,1872.

a. Contingent contract
b. Vested contract
c. Illegal contract
d. Voidable contract
e. None of these.

6. An Executing Court cannot determine the questions relating to which of the following?

a. Execution of decree
b. Discharge of decree
c. Satisfaction of decree
d. Modification of decree
e. None of these.

7. Which one of the following properties is liable to attachment or sale in the execution of a decree under Code of Civil Procedure?

a. Mere right to sue for damages
b. A promissory note
c. Books of account
d. A right of personal service
e. None of these.

8. P V Sindhu won silver medal in Rio Olympics. To whom did she lose in final match?

a. Wang Yihan
b. Carolina Marín
c. Nozomi Okuhara
d. SUN Yu
e. None of these

9. Which one among the following is not a Tiger Reserve in India?

a. Ranthabhor National Park
b. Sariska National Park
c. Jim Corbett National Park
d. Gir National Park
e. None of these

10. Under Indian Evidence Act,1872, a court has no discretion regarding proof a fact in context of :-

a. 'May presume'
b. 'Shall presume'
c. 'Conclusive proof'
d. 'Judicial Notice'
e. None of these

11. A prosecutes B for adultery with C, A's wife. B denies that C is A's wife, but the Court convicts B of adultery. Afterwards, C is prosecuted for bigamy in marrying B during' A's lifetime. C says that she never was A's wife. Which statement is correct as per Indian Evidence Act, 1872 ?

a. The judgment against B is not relevant as against C
b. The judgment against B is relevant as against C
c. The judgment against B may be admitted against C if thirty years old.
d. The judgment against B is relevant as against A.
e. None of these.

12. The constitutional validity of which section of Hindu Marriage Act,1955 was upheld by Supreme Court in Saroj Rani Vs. Sudarshan (AIR 1984 S.C. 1562) ?

a. Section 9
b. Section 13
c. Section 16
d. Section 17
e. None of these

13. Maintenance pendente-lite has been discussed under section ____ of Hindu Marriage Act,1955.

a. 23
b. 24
c. 25
d. 26
e. None of these

14. A person is said to be a 'cognate' of another if:

a. two are related to each other by blood or adoption wholly through males
b. two are related to each other by blood or adoption but not wholly through males
c. both a. and b.
d. Either a. or b.
e. None of these

15. Presumption that the younger survived the elder under section 21 of the Hindu Succession Act, 1956 is a.....

a. Presumption of fact
b. Irrebutable presumption of fact and law
c. Rebuttable presumption of law
d. Irrebuttable presumption of law
e. None of these

16. Y inserts his hand into the pocket of Z with malafide intention to take away his money. But the pocket was empty. What offence ,if any Y committed under Indian Penal Code,1860 ?

a. No offence as the offence was not completed.
b. Theft
c. Mischief
d. Extortion
e. None of these.

17. Under Hindu Adoption and Maintenance Act, 1956, consent of wife for adopting a child is not necessary when :-

a. Wife ceased to be Hindu
b. Wife declared by court to be of unsound mind
c. Wife renounced the world
d. All of above
e. None of these

18. In which of the following the right of private defence of property under Indian Penal Code, 1860, does not extend to causing death?

a. Robbery
b. House breaking by night
c. Mischief giving apprehension of death or grievous hurt.
d. Mischief by fire
e. None of these.

19. Under which section of the Limitation Act, 1963 the time requisite for obtaining a copy of the decree or order appealed shall be excluded in computing the period of limitation for appeal, review or revision ?

a. Section 12(2)
b. Section 12(1)
c. Section 12(3)
d. Section 12(4)
e. None of these

20. Delay in filing the suit:-
a. cannot be condoned under Limitation Act,1963
b. can be condoned under Section 3, Limitation Act,1963
c. can be condoned under Article 137, Limitation Act,1963
d. can be condoned under Section 5, Limitation Act,1963
e. None of these.

21. "In pari delicto" means-
a. where parents are at fault
b. in case of equal fault or guilt
c. a person with guilty mind
d. a delinquent criminal
e. None of these

22. The Propositions are :-
I. Where a partner of a professional business partnership borrows money in the usual and regular cause of business stating that the money is to be used for partnership business but misappropriates it, the other partners shall be liable.
II. Where money has been borrowed by a partner without authority, but has been applied to the legitimate business needs of the firm, the firm is liable.
III. Where the act is within the scope of the implied authority of a partner, but it has been done by him, to the knowledge of the third party, not for the firm but for his own purposes, the firm is liable.
Which of the following is true in accordance with Indian Partnership Act, 1932 as to the aforesaid propositions?
a. I is correct, II and III are incorrect
b. I & II are correct, III is incorrect.
c. I, II & III, all are correct
d. II & III are correct, I is incorrect
e. None of these

23. A Will can be presented for registration (Under Registration Act,1908) within...
a. 2 months from execution
b. 4 months from execution
c. 6 months from execution
d. At any time
e. None of these

24. What is meaning of principle of quia timet in the context of law of injunction ?
a. Some future probable injury to the rights or interests of a person
b. Some past injury to the rights or interest of a person
c. Some injury incapable of being estimated in money
d. Some injury capable of being estimated in money
e. None of these

25. The jurisdiction of the Court to decree specific performance under Specific Relief Act, 1963, is :-
a. Discretionary
b. Mandatory
c. Arbitrary
d. Discretionary but should not be arbitrary
e. None of these

26. Under Section 63 of Sale of Goods Act, 1930 'Reasonable time' is a ...
a. question of law
b. question of fact
c. mixed question of law and fact
d. either 'a' or 'c'
e. None of these

27. Which amongst the following f immovable property as per Section 3 of Transfer of Property Act, 1882?
a. Standing Timber
b. Grass
c. Fruit Trees
d. Growing Crops
e. None of these

28. Doctrine which required that the transferor must deliver the subsequently acquired property to the transferee who acted upon his false representation and did harm to himself by paying money for what he could not get, is called,
a. Rule against unjust enrichment
b. Implied consent
c. Feeding the grant by estoppel
d. Doctrine of substantial compliance
e. None of these

29. Who is given protection from arrest under Section 45 of Code of Criminal Procedure,1973 ?

a. President of India
b. Judicial Officers
c. Members of Armed Forces
d. Members of Parliament
e. None of these

30. In case of cognizable offence, police has power to :-

a. Arrest only with warrants but to investigate without court order
b. Arrest without warrants and to investigate without court order
c. Arrest without warrants but to investigate only after court order.
d. Arrest only with warrants and to investigate after court order
e. None of these

31. If an accused at one trial is convicted of and punished with imprisonments in two offences, under section 31 of the Code of Criminal Procedure, 1973, the imprisonments in the absence of any specific direction of the court, will run;-

a. Consecutively.
b. Concurrently
c. Consecutively as per direction of Jail Authorities.
d. Concurrently as per direction of Jail Authorities.
e. None of these

32. Which answer shows correct match ?
(a) Ajay Hasia v Khalid Mujib — (I) CSIR as State
(b) P.K. Ramachandra Iyer v. UOI — (II) Institute of Constitutional and Parliamentary Studies as non State
(c) Sabhaji Tewary v. UOI — (III) Regional Engineering College run by society as state
(d) Tekraj v. UOI — (IV) ICAR as State
Answer :-
(a) (b) (c) (d)

a. II I IV III
b. III II I IV
c. III IV I II
d. II I III IV
e. None of these.

33. Principle of stare decisis is incorporated in _____ of Constitution of India.

a. Article 139
b. Article 140
c. Article 141
d. Article 142
e. None of these

34. Which one of the following statements is true under Indian Contract Act,1872?

a. Intimation of minimum price is proposal.
b. An agreement against public policy is voidable.
c. An agreement, the meaning of which is not certain is void.
d. Wager contracts are illegal
e. None of these

35. What will be the nature of an order passed by Court rejecting the plaint for non payment of a Court fee ?

a. Decree
b. Preliminary decree
c. Interlocutory Order
d. Final Order
e. None of these

36. A sues B on a bill of exchange for Rs.500. B holds a judgment against A for Rs.1000. The two claims being both definite pecuniary demands may be set off. The illustration is given in _____ .

a. Order VIII, R. 5 of Code of Civil Procedure
b. Order VIII, R. 6 of Code of Civil Procedure
c. Order VIII, R. 7 of Code of Civil Procedure
d. Order VIII, R. 9 of Code of Civil Procedure
e. None of these

37. Which international convention is ratified by India on 2nd October 2016 ?

a. Madrid agreement on Environment
b. Paris agreement on Climate Change
c. Geneva Convention on Climate Change
d. Chicago Convention on Environment
e. None of these

38. Which one of the following movies, won the Best Film Award at 63rd National Film Awards?

a. Bahubali
b. Tanu weds Manu Returns
c. Bajirao Mastani
d. Piku
e. None of these

39. By which of the following ways under Indian Evidence Act,1872, the credit of a witness may be impeached by adverse party?

a. By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit
b. By proof that the witness has been bribed, or has accepted the offer of bribe, or has received any other corrupt inducement to give his evidence;
c. By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;
d. All of the above
e. None of these.

40. Under section 30 of Indian Evidence Act,1872, confession of one accused is admissible evidence against co-accused if :-

a. They are tried jointly for the same offences
b. They are tried jointly for different offences
c. They are tried separately for the same offences.
d. They are tried separately for the cognate offences
e. None of these

41. Kanyadaan is an important ceremony in Hindu marriages. It is mandatory for a marriage to be held valid:

a. True
b. False
c. True, only if kanyadaan is done by biological father
d. True, only if kanyadaan is done by any blood relative
e. None of these

42. If a girl becomes pregnant by some person before marriage, and subsequently marries some third person: What is position under Hindu Marriage Act,1955 ?

a. Marriage is void
b. Marriage is valid
c. Marriage is voidable at the option of the groom
d. Marriage is voidable at the option of the bride
e. None of these

43. A is a Hindu male. He dies intestate leaving a son B, two grand son M and N of deceased son C and three great grandson X, Y and Z of deceased grandson P of deceased son D. What will be share of M and X. ?

a. 1/3, 1/6
b. 1/6, 1/9
c. 1/3, 1/9
d. 1/9, 1/9
e. None of these

44. Who among the followings is not Class I heir under Hindu Succession Act,1956 ?

a. Mother
b. Father
c. Son
d. Daughter
e. None of these

45. Which of the following match is wrong ?

a. Wrongful gain - Section 23 IPC
b. Dishonestly - Section 24 IPC
c. Fraudulently - Section 26 IPC
d. Valuable Security - Section 30 IPC
e. None of these

46. X, a jailor, has the charge of Z, a prisoner. X, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. X is dismissed from his office, and Y succeeds him. Y, without collusion or co-operation with X, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. What will be position under Indian Penal Code,1860 ?

a. X and Y are guilty of Murder
b. X is guilty of an attempt to commit Murder
c. Y is guilty of an attempt to commit Murder
d. Y is guilty of an attempt to commit culpable homicide
e. None of these.

47. Section 22 of the Limitation Act, 1963 refers to which of following case(s) of :-

a. Continuing breach of contract
b. Successive breach of contract
c. Both continuing & successive breaches
d. Special damages
e. None of these

48. The plaintiff is entitled to get the benefit of Section 14 of the Limitation Act,1963 provided:-

a. That the suit must not have been entertained by the former court for want of jurisdiction
b. That the plaintiff must be prosecuting his suit with due diligence and in good faith
c. Either a or b
d. Both a and b
e. None of these

49. Section 26 of Punjab Courts Act, 1918 deals with :-

a. Pecuniary limits of jurisdiction of District Judges
b. Pecuniary limits of jurisdiction of subordinate Judges
c. Subject matter jurisdiction of Subordinate Judges
d. Subject matter jurisdiction of District Judges
e. None of these

50. When a document is executed by several persons at different times then it may be presented for registration under Section 24 of Registration Act,1908, within

a. Four months from the date of each execution
b. Four months from the date of execution by first person
c. Four months from the date of execution by last person
d. Four months from the date of execution by 50% of executors
e. None of these

51. A document required to be registered under Section 17(1-A) of Registration Act, 1908, is not registered. Then the document will have no effect for the purposes of _____ of Transfer of Property Act, 1882.

a. Section 114A
b. Section 53 A
c. Section 130A
d. Section 63 A
e. None of these

52. Declaratory decree can be granted under _____ of Specific Relief Act,1963.

a. Section 34
b. Section 35
c. Section 36
d. Section 37
e. None of these

53. Section 8 of Specific Relief Act, 1963 can be invoked :-

a. If compensation in money is an adequate relief
b. If the damages can be easily ascertained
c. If the article is held by the person as agent or trustee of the claimant
d. All of above
e. None of the above

54. Section 57 of the Sale of Goods Act, 1932 deals with :-

a. Suit for price
b. Suit for damages for non-delivery
c. Suit for damages for non-acceptance
d. Suit for return of goods
e. None of above

55. Which of the following statement is incorrect in the light of Transfer of Property Act, 1882?

a. Right of Redemption belongs to mortgagor
b. Right of Foreclosure belongs to mortgagor
c. Right of Redemption can be abrogated by parties
d. Right of Foreclosure cannot be abrogated by parties
e. None of these

56. Under Indian Penal Code,1860 any assembly of five or more person is not an unlawful assembly if there common object is :-

a. To compel any person to do what he is legally bound to do
b. To commit mischief
c. To commit criminal trespass
d. To obtain property forcefully
e. None of these

57. Minimum punishment as imprisonment provided under Indian Penal Code,1860 is -

a. One week
b. 24 hours
c. 12 hours
d. 08 hours
e. None of these

58. What is 'iddat' period prescribed for a widow under Muslim law ?

a. Four lunar months and ten days,
b. Four lunar months
c. Three lunar months and ten days,
d. Three lunar months
e. None of these

59. Under which section of Code of Criminal Procedure,1973, it is mandatory to produce an arrested person before the Magistrate within 24 hours of his arrest ?

a. 59
b. 58
c. 57
d. 56
e. None of these

60. What is the total period for which a Magistrate under section 167(2) of Code of Criminal Procedure,1973, can authorize the detention of a person accused of offence punishable under section 304B IPC ?

a. 15 days
b. 60 days
c. 90 days
d. 180 days
e. None of these

61. As per Hindu Succession Act,1956, two persons are said to be related to each other by uterine blood when they are descended from:

a. Common ancestress but by different husbands
b. Common ancestress but by the same husband
c. Different ancestress but by different husbands
d. Different ancestress but by same husband
e. None of these

62. Which of the following statement(s) is/are incorrect about Fundamental Rights ?
i. All fundamental rights are justiciable
ii. Based on Lockean philosophy
iii. International Human Rights Laws played important role in broadening the concept of fundamental rights in India
iv. Violation of fundamental right is violation of rule of law
v. All human rights are fundamental rights
vi. All fundamental rights are human rights

a. ii, iii and iv
b. iii and v
c. ii and v
d. Only v
e. None of these

63. What is the shape of Bharat Ratna Award?

a. Peepal Leaf
b. Banyan Leaf
c. Neem Leaf
d. Betel Leaf
e. None of these

64. Who among the following invented World Wide Web (WWW)?

a. Steve Jobs
b. Alan Turing
c. Tim Berners Lee
d. Vint Cerf
e. None of these

65. According to Section 52 of Indian Penal Code,1860, nothing is said to be done or believed in good faith which is done or believed without _____ :

a. due care or diligence
b. due attention or bonafide
c. due care or attention
d. due diligence or bonafide
e. None of these

66. A obstructs a path along which B has a right to pass. A not believing in good faith that he has a right to stop the path. B is thereby prevented from passing. A has committed the offence of _____ :

a. Wrongful confinement
b. Wrongful restraint
c. Intimidation
d. Criminal force
e. None of the above

67. In which of the following states 'Kathakali' a dance form originated ?

a. Uttar Pradesh
b. Andhra Pradesh
c. Kerala
d. Tamil Nadu
e. None of these

68. Who started the Sarvodaya Movement ?

a. Mahatma Gandhi
b. J P Narayan
c. Vinoba Bhave
d. Bhagat Singh
e. None of these

69. Which of the following order a court may pass under Order IX, R. 3 C.P.C in a suit where neither plaintiff nor defendant appears on fixed day of hearing ?

a. Simple adjournment.
b. Dismissal of suit.
c. Imposition of costs
d. Adjourment sine-die
e. None of these.

70. Which of the following statements are correct in the context of Section 5 of Code of Civil Procedure ?
i. Revenue Court is a part of Civil Court
ii. Civil Court means courts having original jurisdiction under C.P.C. but not Revenue Court
iii. Civil Court means courts having original jurisdiction under C.P.C. including Revenue Court
iv. Revenue Court is not a part of Civil Court.
Answer:

a. (i) and (ii)
b. (ii) and (iii)
c. (ii) and (iv)
d. (iii) and (iv)
e. None of these

71. Non-registration of marriage under section 8 of Hindu Marriage Act, 1955 :-

a. invalidates the marriage and calls for imposition of penalty
b. does not invalidate the marriage but calls for imposition of penalty
c. neither invalidates the marriage nor calls for imposition of penalty
d. makes the marriage voidable
e. None of these

72. What is/are case(s) in which specific performance of contract is enforceable:

a. When there exists no standard for ascertain the actual damage caused by the non-performance
b. When the act agreed to be done is such that compensation in money, for its non-performance would not afford adequate relief
c. When prima facie case is in favour of plaintiff.
d. Both (a) and (b)
e. None of these

73. Under Section 16 of Code of Civil Procedure, a suit relating to movable property can be filed in a court within whose local jurisdiction :-

a. The property is situate
b. The defendant voluntarily resides or personally works for gain
c. The defendant voluntarily resides or carries on business
d. Either (a) or (b) or (c)
e. None of these.

74. A lets a house to B at a yearly rent of Rs. 10,000. The rent for the whole of the years 2006 to 2008 is due and unpaid. A sues B in 2009 only for the rent due for 2007,

a. A can afterwards sue B for the rent due for 2006 only.
b. A can afterwards sue B for the rent due for 2008 only.
c. A can afterwards sue B for the rent due both for 2006 and 2008.
d. A cannot afterwards sue B for the rent due for 2006 or 2008
e. None of these.

75. Following is/are essential(s) of valid contract as per Indian Contract Act,1872.
i. Parties to contract should have capacity to contract.
ii. Parties to contract should have legal mind.
iii. Parties to contract should be intelligent.
iv. Invitation to offer should be accepted.
Find correct answer:

a. Only (i) and (iv) are correct
b. Only (i) is correct.
c. All of above are correct.
d. Only (ii) is correct
e. None of these

76. When, for the first time, did the Prime Minister of India announce the 20-point Economic Programme?

a. 1973
b. 1974
c. 1975
d. 1976
e. None of these

77. Which one of the following is a Kharif crop?
a. Bajra
b. Wheat
c. Mustard
d. Barley
e. None of these

78. Under Indian Evidence Act,1872, in a trial, the burden of proving the plea of insanity of accused lies on:-
a. Prosecution
b. Accused
c. Civil Surgeon to whom the accused was referred for examination
d. First on Prosecution then in reply upon accused.
e. None of these

79. Match the following and select correct answer:
I. Suits by or against partnership firms : (1) Order 32 CPC
II. Suits by or against minors : (2) Order 30 CPC
III. Suits by indigent persons : (3) Order 34 CPC
IV. Mortgage Suits : (4) Order 33 CPC
Answers :
a. I-2, II-1, III-4, IV-3
b. I-1, II-2, III-3, IV-4
c. I-2, II-4, III-1, IV-3
d. I-1, II-3, III-2, IV-4
e. None of these

80. Which section of Indian Evidence Act, 1872 is reflection of "Doctrine of Confirmation by subsequent facts"?
a. Section 27
b. Section 115
c. Section 102
d. Section 165
e. None of these.

81. Law of Evidence is a:
a. A substantive law
b. A procedural law
c. A penal law
d. Both (a) and (c)
e. None of these

82. An agreement or compromise is entered into on behalf of a minor without the leave of the Court. Such agreement or compromise, under Order 32, R. 7 of Code of Civil Procedure is :-
a. Valid
b. Void
c. Voidable against all the parties other than the minor.
d. Voidable against all the parties including the minor.
e. None of these.

83. According to Section 58 of Code of Civil Procedure no detention in civil imprisonment can be ordered if the decree is for a payment of amount;
a. Not exceeding Rs. 500
b. Not exceeding Rs. 1000
c. Not exceeding Rs. 1,500
d. Not exceeding Rs. 2,000
e. None of these

84. On which river in India the Bhakra Nangal Dam is built?
a. Ghaggar
b. Beas
c. Sutlej
d. Ravi
e. None of these.

85. Who is selected for the Rashtriya Kalidas Samman for year 2016-2017 ?
a. Raj Bisaria
b. Banshi Kaul
c. Rajam
d. Anupam Kher
e. None of these

86. Under Section 148 A of Code of Civil Procedure, a caveat shall not remain in force after the expiry of _____ days.
a. 30
b. 60
c. 90
d. 120
e. None of these.

87. Examination de beneesse, under Order 18, R. 16 Code of Civil Procedure means:-

a. Examination of a witness before the hearing
b. Examination of a witness after the hearing
c. The court may at any stage of a suit make local inspection and make a memorandum of any relevant fact
d. Witness disabled by any reasons authorises other person acquainted with facts to depose on his behalf.
e. None of these

88. When a person who would otherwise be competent to compound an offence under Code of Criminal Procedure,1973, is dead, then :-

a. Offence cannot be compounded at all.
b. Offence can be compounded by Public Prosecutor with consent of the Court.
c. Offence can be compounded by legal representative of deceased with consent of the Court.
d. Offence can be compounded by District Legal Services Authority with consent of the Court
e. None of these.

89. Who among the following can issue search-warrant under Code of Criminal Porcedure,1973, if there is a reason to believe that any person is confined and such confinement amounts to an offence ?

a. High Court
b. Sessions Court
c. District Magistrate
d. All of above
e. None of these

90. Who among the following, in India, does not take oath of his office :-

a. Vice- President
b. Speaker
c. Parliamentary Affair Minister
d. M.L.A.
e. None of these

91. Choose the correct chronological order (Latest first) of following cases.
I. Maneka Gandhi Vs. Union of India
II. A.D.M. Jabalpur Vs. S. Shukla
III. Indira Gandhi Vs. Raj Narain
IV. Kesavananda Bharati Vs. State of Kerala
Answer

a. IV II III I
b. IV I II III
c. III II IV I
d. IV III II I
e. None of these

92. Under which Article of the Constitutional of India , power of review of judgement or orders made by it, lies with the Supreme Court ?

a. Article 142
b. Article 137
c. Article 143
d. Article 141
e. None of these

93. Interrogatories shall be answered under Code of Civil Procedure by way affidavit to be filed within _____ days or within such other time as the Court may allow.

a. 30
b. 20
c. 10
d. 45
e. None of these

94. For determination of an objection under Section 9 of Code of Civil Procedure as to the exclusion of jurisdiction of Civil Court, the Court is to primarily see the averments made in:

a. Plaint only
b. Plaint and written statement only
c. Plaint written statement and replication only
d. Averment made in application for return of plaint.
e. None of these.

95. Who is known as "Father of Indian Renaissance"?

a. Lala Lajpat Rai
b. Raja Ram Mohan Roy
c. Shaheed Bhaghat Singh
d. B. G. Tilak
e. None of these

96. Which of the following cannot be a ground for refusal by Magistrate to grant 'Maintenance' under Section 125 of Code of Criminal Proceure, 1973, to a wife :

a. She is living separately by mutual consent.
b. She is living in adultery.
c. She is living separately without sufficient reason.
d. She is supported by her parents.
e. None of these.

97. Section 236 of Code of Criminal Procedure,1973, lays down a special form of procedure as to the issue of liability to enhanced punishment in consequence of previous conviction. The section is applicable to trials before :-

a. Court of Session only
b. Court of Judicial Magistrate only
c. Both (a) and (b)
d. Juvenile Justice Board only
e. None of these.

98. Which one of the following statements is incorrect ?

a. No title, not being a military or academic distinction, shall be conferred by the State.
b. No Foreigner residing in India shall accept any title from any foreign State without consent of President of India.
c. No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.
d. No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.
e. None of these.

99. In which case, the Supreme Court of India propounded 'Doctrine of Prospective Overruling' ?

a. Shankari Prasad Vs. Union of India
b. Sajjan Singh Vs. State of Rajasthan
c. Golak Nath Vs State of Punjab
d. Kesavananda Bharati Vs. State of Kerala
e. None of these

100. Under Section 54 of Indian Evidence Act, 1872 previous bad character is irrelevant, but becomes relevant if :

a. the bad character of a person is itself a fact
b. the bad character of a person is itself a fact-in-issue
c. the bad character is evidence to a previous conviction.
d. Both (b) and (c)
e. None of these

101. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence under _____ of Indian Evidence Act,1872.

a. Section 68
b. Section 69
c. Section 70
d. Section 71
e. None of these

102. Read the following:
(1) The maxim "Actus me invitofactus non est meus acts" find application in Section 94 IPC.
(2) The maxim "diminimis non curatlex" has been incorporated in Section 95 of I.P.C.
Of the above -

a. (1) is true but (2) is false
b. (1) is false but (2) is true
c. Both (1) and (2) are true
d. Both (1) and (2) are false
e. None of these.

103. Which of the following is correct sequence of stages in a crime ?

a. Intention, Attempt, Accomplishment, Preparation
b. Intention, Preparation, Attempt, Accomplishment
c. Preparation, Intention, Attempt, Accomplishment
d. Preparation, Motive, Attempt and Accomplishment
e. None of these

104. Which section of the Limitation Act,1963 provides that on lapse of time not only the remedy is barred but the right to property is also extinguished ?

a. Section 27
b. Section 26
c. Section 23
d. Section 24
e. None of these

105. The easement rights over the property belonging to the Government are acquired by continuous & uninterrupted user :-

a. for 12 years
b. for 20 years
c. for 30 years
d. for 60 years.
e. None of these.

106. Any suit for filing of which no period of limitation is provided in the Limitation Act,1963, then limitation period will be :-

a. 1 year
b. 2 years
c. 3 years
d. 5 years
e. None of these

107. An Investigating officer during the investigation records the statement of a witness under Section _____ of Code of Criminal Procedure, 1973.

a. 164
b. 162
c. 161
d. 160
e. None of these.

108. Under which section of Code of Criminal Procedure, 1973, a Court can order (when fine is not part of sentence) any amount to be paid by accused as compensation?

a. 357(1)
b. 357(2)
c. 357(3)
d. 357(4)
e. None of these

109. Fact in issue means :-

a. Fact, existence or non-existence of which is admitted by the parties
b. Fact, existence or non-existence of which is disputed by the parties
c. Fact, which is attached with other facts alleged by of plaintiff
d. Fact, which is attached with other facts alleged of defendant.
e. None of these

110. The question is whether A committed a crime at Calcutta on a certain day, fact that on that day A was at Lahore is relevant-

a. As introductory to fact in issue
b. As preparation of fact in issue
c. As it makes existence of fact in issue highly improbable
d. As a motive for fact in issue
e. None of these.

111. Which of the following gift is not governed by the Transfer of Property Act, 1882?

a. Onerous gift
b. Mortis causa gift
c. Universal gift
d. Gift to disqualified person
e. None of these

112. Under which Constitutional Amendment Act a new Fundamental Duty was incorporated in the Constitution of India, which states "who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years"?

a. 84th Amendment Act
b. 85th Amendment Act
c. 86th Amendment Act
d. 87th Amendment Act
e. None of these.

113. Which of the following act done by a Magistrate, not being authorized by law in this behalf, does not vitiate criminal proceedings (as per Code of Criminal Procedure,1973)?

a. Trying an offender summarily.
b. Attaching and selling property under Section 83 Cr.P.C.
c. Taking cognizance of an offence under Section 190(1) (c) Cr.P.C.
d. Recalling a case and tries it himself under section 410 Cr.P.C.
e. None of these

114. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to have committed under Indian Penal Code, 1860, the offence(s) of:

a. Kidnapping
b. Kidnapping and Abduction
c. Abduction
d. Threat
e. None of these

115. Which of the following doctrine finds application in Section 41 of Transfer of Property Act, 1882?

a. Doctrine of Holding Out
b. Doctrine of Feeding the Grant by Estoppel
c. Doctrine of Lispendens
d. Doctrine of Acquiescence
e. None of these

116. Which of the following statement is incorrect in the context of 'Estoppel' as dealt in Section 115 of Indian Evidence Act 1872:

a. There must be a representation by a person to another.
b. The representation must be in writing.
c. The other person must have acted upon such representation taking it as true.
d. The other person should have suffered some prejudice, detriment or disadvantages by acting upon or by reason of such representation
e. None of these

117. 'X', puts gold coins into a box belonging to Z, with intention that they may found in that box, and that this circumstance may cause Z to be convicted of theft. What offence X committed under Indian Penal Code,1860 ?

a. Fabricating false evidence
b. Giving false evidence
c. Committing abetment of theft.
d. Committing cheating
e. None of the above

118. As a rule, a petition for dissolution marriage under Hindu Marriage Act, 1955 cannot be presented before the expiry of _____ from the date of marriage.

a. 6 months
b. 9 months
c. 1 year
d. 2 years
e. None of these

119. An agreement with minor is void, hence –

a. Minor is never allowed to enforce such agreement.
b. Minor is allowed to enforce such agreement, if it was made for his benefit.
c. Minor is always allowed to enforce such agreement.
d. Minor is allowed to enforce such contract when other party makes no objection
e. None of these

120. Under Indian Contract Act, 1872, destruction of subject matter of contract leads to :-

a. Performance of contract
b. Discharge by impossibility
c. Breach of Contract
d. Renovation of Contract
e. None of the above

121. The principle of res judicata is also applicable between co-defendants. Which one of the following is not an essential condition to bind the co-defendants ?

a. The Co-defendants must have filed joint written statement.
b. There must be a conflict of interest between the defendants concerned;
c. It must be necessary to decide this conflict in order to give the plaintiff the relief he claims;
d. The question between the defendants must have been finally decided.
e. None of these

122. If an innocent partner seeks dissolution of a firm under section 44(c) of the Indian Partnership Act, 1932, he has to satisfy the court that.....

a. the conduct of the other partner is calculated to prejudice the carrying on of the partnership business
b. the partnership firm is not in a position to repay the loan borrowed from a Nationalized Bank
c. the partnership firm has not gained any profit in past three years
d. there are no future prospects to the business of the firm
e. None of these

123. Which of the following statement is incorrect in the context of Section 41 of Specific Relief Act,1963;

a. The Court cannot grant injunction to restrain any person from applying to any legislative body.
b. The Court cannot grant injunction to prevent a continuing breach in which plaintiff acquiesced.
c. The Court cannot grant injunction to restrain any person from instituting or prosecuting any proceeding in a criminal matter.
d. The Court cannot grant injunction when the plaintiff has got no personal interest in the matter
e. None of these

124. Under Indian Partnership Act, 1932, a partnership does not work under the principle of _____

a. Greatest Common Advantage
b. Good Faith
c. Due Diligence
d. Limited liability
e. None of these

125. Which of the following statement of law is incorrect in the context of decision of Supreme Court in Sakiri Vasu Vs State of U.P. (AIR 2008 SC 907);

a. Magistrate has power to direct police to register FIR.
b. Magistrate can monitor investigation.
c. Magistrate can order reinvestigation and re-opening of investigation on submission of final report by Police if investigation not done satisfactorily.
d. Magistrate cannot direct C.B.I. to investigate
e. None of these