Tamil Nadu Civil Judge (Mains) 2023

Law Paper I · compulsory paper

Duration : 3 Hours · Max. Marks : 100 · HCCJMII/23

General Instructions to Candidates

i) The facts and particulars provided in the Question Paper i.e. the court's name, place, case numbers, documents details, names of parties and witnesses are fictional. Yet candidates have to take them to be true for the purpose of answering the questions.

ii) Candidates may write the answers either in English or in Tamil but not in both.

iii) The Questions are provided in Tamil and English versions. In all matters and in case of doubt, English version is final.

iv) The candidates need not provide cause title with citation while answering the questions. Providing wrong or incomplete cause title or quoting a wrong citation will be detrimental to the candidates.

v) The Candidates shall give answers briefly within the space provided for answering.

vi) Section A, B, C, D have seven 3 marks questions and four 5 marks questions respectively in each Part and candidate shall answer five 3 mark questions and two 5 mark questions respectively in each Part.

SECTION A

PART A — (5 × 3 = 15)

Answer any FIVE Questions.

CODE OF CIVIL PROCEDURE

1. [3 marks]

Explain Compensatory costs with relevant provision under CPC.

2. [3 marks]

Define :

(a) Mesne profit

(b) Crown debt and

(c) Precept.

3. [3 marks]

When can a Judgment debtor be arrested for non disclosure of assets and liability?

4. [3 marks]

Mention any 6 kind of properties which cannot be attached in the execution of money decree?

5. [3 marks]

Why and In what context in CPC the expression 'substantial question of law' is used?

6. [3 marks]

Explain whether Indian Courts are empowered to issue 'Mareva injunction'.

7. [3 marks]

Explain discovery by interrogatories with relevant provision under CPC.

PART B — (2 × 5 = 10)

Answer any TWO Questions.

8. [5 marks]

Explain what are the powers conferred to a Civil Court to prevent the ends of justice being defeated?

9. [5 marks]

Explain the role and responsibility of a Receiver appointed by the court. How a receiver differs from a commissioner appointed by the court in his functions and duty to the court?

10. [5 marks]

What was principle laid by the Hon'ble Supreme Court in Anathula Sudhakar – va – Buchi Reddy case with regard to suit for prohibitory injunction relating to immovable property?

11. [5 marks]

Can a suit be disposed in exercise of power under Order V after framing of issues?

SECTION B

PART A — (5 × 3 = 15)

Answer any FIVE Questions.

CODE OF CRIMINAL PROCEDURE

12. [3 marks]

Explain the difference between, 'a person in police custody' and 'a person in judicial custody'.

13. [3 marks]

What are the procedures to be followed by the officer while making arrest of a person?

14. [3 marks]

At what stage and when a court can order further investigation?

15. [3 marks]

What is the maximum period of imprisonment a Judicial Magistrate can impose in one trial when the accused is tried for more than one offences?

16. [3 marks]

What is the difference between discharge and acquittal?

17. [3 marks]

How, property seized during investigation and produced before the court but not marked as case property in the trial, be disposed after completion of trial?

18. [3 marks]

Explain the pre and post inspection procedures to be followed, when the Judicial Magistrate decides to conduct Local Inspection.

PART B — (2 × 5 = 10)

Answer any TWO Questions.

19. [5 marks]

On receipt of a written complaint, the judicial magistrate exercising power under Section 156(3) of Cr.P.C order the jurisdiction police to investigate and report. The police after investigation, files closure report. Guide the Judicial Magistrate what he should do on receipt of the closure report.

20. [5 marks]

Explain with relevant provision of the Code, the circumstances and the procedure for withdrawal from prosecution of any person, by the public prosecutor.

21. [5 marks]

What are the steps a Judicial Magistrate should take to secure the accused absconding during the trial? (a) If he is the sole accused. (b) If there are other accused appearing before the trial court regularly on the hearing dates.

22. [5 marks]

After completion of trial but before signing the judgment, the Judicial Magistrate realises it is a case which ought to have been tried by a court of sessions. What then the Judicial Magistrate do?

SECTION C

PART A — (5 × 3 = 15)

Answer any FIVE Questions.

INDIAN EVIDENCE ACT

23. [3 marks]

Whether an oral admission as to the content of document which is not produced before the court is relevant? Why?

24. [3 marks]

Character Good and Bad, how it is relevant in criminal cases?

25. [3 marks]

Whether statement of one conspirator in the absence of other conspirator with regard to the acts done pursuant to conspiracy is admissible. Why?

26. [3 marks]

Explain with illustration the relevancy of a fact which speaks about cause and effect.

27. [3 marks]

Section 6 of the evidence Act is one of the exception to the general rule hearsay evidence is inadmissible. Explain.

28. [3 marks]

Define Digital signature and how to prove a digital signature.

29. [3 marks]

Explain with relevant provision under Indian Evidence Act:

(a) Hostile witness

(b) Leading questions

(c) Refreshing the memory of the witness.

PART B — (2 × 5 = 10)

Answer any TWO Questions.

30. [5 marks]

(a) An accomplice is unworthy of credit

(b) An accomplice shall be a competent witness against an accused. Whether the above statements (a) and (b) are contradictory to each other or complimentary to each other. Explain referring the relevant provisions under the Evidence Act.

31. [5 marks]

'A' gone missing 7 years ago. His wife wants a declaration that her husband is dead. The mother of 'A' asserts that her son is alive and seen by her and her relatives within 30 years. On whose shoulder the burden to prove lies?

32. [5 marks]

Explain reverse burden of proof referring the statutes and with illustration.

33. [5 marks]

Relevancy of former statement of a witness: When it can be used for corroboration and who can use it for contradiction. Is there any exception, if the witness who made the former statement is not alive or not traceable.

SECTION D

PART A — (5 × 3 = 15)

Answer any FIVE Questions.

CONSTITUTION OF INDIA

34. [3 marks]

During emergency, the fundamental rights can be put under suspension - Comment.

35. [3 marks]

Part IV of the Indian Constitution will prevail upon Part III of the constitution - Comment.

36. [3 marks]

Can the preamble to the Indian Constitution be amended through Ordinance.

37. [3 marks]

Critical note on the comment: Basic structure theory is an invention of Court. Parliament power to amend the constitution is supreme and absolute.

38. [3 marks]

Write a short note on the Superintendent power of the High Court over the courts/tribunals subordinate to it.

39. [3 marks]

Whether right of a person to travel abroad is unfettered. Explain with case laws.

40. [3 marks]

Explain the Doctrine of repugnancy.

PART B — (2 × 5 = 10)

Answer any TWO Questions.

41. [5 marks]

Short note on : Doctrine of eminent domain and the constitutional right to hold property.

42. [5 marks]

What is the special feature of IX Schedule of the Indian Constitution?

43. [5 marks]

Explain the significance of Article 141 and Article 142 of the Constitution to the Indian Judiciary.

44. [5 marks]

Why Indian Constitution is known as a quasi federal constitution?