Uttarakhand Civil Judge (Mains) 2014

Law III (Revenue and Criminal) · compulsory paper

Time allowed : Three Hours · Maximum Marks : 200

Note: Candidate should answer six questions in all, out of which they should answer Question No. 1 and any other two questions from group 'A' and Question No. 6 and any other two questions from group 'B'. Marks carried by each question are indicated at its end. The parts of same question must be answered together.

Group A

1(a) [20 marks]

Describe the provisions of succession of Assami and Bhumidhar under the U.P.Z.A. and L.R. Act, 1950.

1(b) [10 marks]

Point out the order of succession in the following case :
When a male Bhumidhar dies leaving behind him the following :
(i) Married Daughter
(ii) Married Sister and
(iii) Father

1(c) [10 marks]

'A' and 'B' were the proprietors of a Joint estate. 'A' held 50 acres of land as Khudkasht and Sir land while 'B' held only 10 acres. The total Sir and Khudkasht land in joint estate amounted to 60 acres, in which proprietor's share is 30 acres. After the date of vesting what will be the consequences of this joint estate and divide this estate between 'A' and 'B'.

2(a) [20 marks]

Explain the provisions of right to bequest under U.P.Z.A. and L.R. Act. What do you understand by the "succession is subject to will" ?

2(b) [10 marks]

A Muslim Bhumidhar with transferable rights, who is illiterate bequest orally in presence of two witnesses. Explain the validity of will.

3(a) [10 marks]

What is the order of preference of persons for the admission in the vacant land under U.P.Z.A. and L.R. Act ?

3(b) [10 marks]

What are the provisions of failure to file suit for ejectment or to execute decree obtained thereunder ? Explain.

3(c) [10 marks]

Write in brief the procedure of exchange of holdings.

4(a) [15 marks]

Explain fully the essential elements of surrender and abandonment and distinguish between the two. How can different tenure-holders surrender their holdings ?

4(b) [15 marks]

Discuss briefly the procedure for payment of arrears of land revenue.

5(a) [20 marks]

What is boundary marks ? Who are responsible for maintenance of them ? What penalty has been provided for removing boundary marks ?

5(b) [10 marks]

'A' is a minor, aged 16 years and his wife 'B' is of 20 years age. 'B' has some land. Can 'B' letout the land ?

Group B

6(a) [20 marks]

What important amendments are done in Indian Penal Code by the Criminal Law (Amendment) Act, 2013 ? Explain in brief.

6(b) [10 marks]

What are different stages in commission of a Crime ? Explain.

6(c) [10 marks]

An Indian citizen, takes an active part in China, in the performance of a wedding ceremony prohibited under the Child Marriage Restraint Act. Afterwards, he comes back to India, can he be tried in any of the Indian Courts in the jurisdiction of which he is found in India ?

7(a) [15 marks]

What is right of private defence of property ? When does this right commence and how long this continue ?

7(b) [10 marks]

Write a note on "de minimis non curat lex".

7(c) [5 marks]

'A' see that 'B' is doing an act which he seems murder. "A" caught 'B' with intention to give him to Police, in good faith. Has 'A' committed any offence ?

8(a) [20 marks]

"In all murders, there is culpable homicide but every culpable homicide is not necessarily murder." Do you agree ? Explain with illustrations.

8(b) [10 marks]

There a dispute between two brothers regarding some property matter. On a particular occasion wives of these two brothers were found quarrelling with each other. The elder brother of the two brothers came in and requested them to refrain from quarrelling. At that time the younger brother suddenly appeared and gave a lethal blow on the head of the elder brother, who died after a few hours in the hospital. What offence has been committed by the younger brother ?

9 [30 marks]

Distinguish between the following :

(a) Unlawful assembly, rioting and affray.

(b) Criminal breach of trust, criminal misappropriation of property and cheating.

(c) Extortion, robbery and dacoity

10(a) [10 marks]

'A' instigates 'B' and 'C' to break into an inhabited house at midnight for the purpose of robbery and provides them with arms for the purpose. 'B' and 'C' break into the house and being resisted by 'Z', one of the inmates, murder 'Z'. Here what offences has been committed by 'A' ?

10(b) [10 marks]

'A' committing a murder, removes some ornaments from dead body. Though the accused 'A' was guilty of offence of murder, the removal of ornaments amounts to which offence ? Answer by giving reasons.

10(c) [10 marks]

'A' is a married woman under sixteen years of age. Being dissatisfied with her mother-in-law, she left her husband's home to go to her maternal uncle. On the way, she was induced by 'B' to accompany her and he deceitfully took her to a village where she was kept in the house of 'B's brother 'Y'. Here negotiations were begun by 'B' to marry 'A', but on 'A' disclosing her identity to the inquirers, 'B' left the village. Thereupon 'Y' took her to the police station and pending inquiry by the police, she lived for a month at this place. In this matter, what offence has been committed by 'B' ? Whether 'Y' also guilty of any offence ? Answer by giving reasons.