

RAJASTHAN JUDICIAL SERVICE

Preliminary Exam 2016

1. The Negotiable Instrument Act, 1881 provides for making which of the following presumptions as special-rule of evidence. until the contrary is provided:

- (a) that every negotiable instrument bearing a date was not made or drawn on such date
- (b) that every transfer of negotiable Instrument was not made before its maturity
- (c) that a lost promissory note, bill of exchange or cheque was duly stamped
- (d) all the above

2. A document registered under the Registration Act, 1908 operates:

- (a) from the time of its registration
- (b) from the time from which it would have commenced to operate, if no registration was required
- (c) all the choice of executants
- (d) all the above

3. Under the Rajasthan Tenancy Act, 1955, the sale, gift or bequest of Khatadari interests by a member of the Scheduled Caste in favour of a person. who is not a member of Scheduled Caste shall be:

- (a) Valid
- (b) Void
- (c) Voidable
- (d) voidable at the instance of transferor.

4. Appeals from original decrees under the Rajasthan Tenancy Act, 1955 is provided under:

- (a) Section 223
- (b) Section 224
- (c) Section 225
- (d) Section 229

5. If an instrument comes within several descriptions in the Schedule to the Rajasthan Stamp Act, 1998, where the duties chargeable are different, stamp duty is chargeable:

- (a) with the lowest of such duties
- (b) with the highest of such duties

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- (c) at the choice of the executants
- (d) none of the above

6. An instrument chargeable with the duty under the Rajasthan Stamp Act, 1998, unless such instrument is duly stamped:

- (a) cannot be admitted in evidence for any purpose
- (b) can be acted upon
- (c) can be registered or authenticated
- (d) all the above

7. Under the provisions of Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974 the prescribed authority on the application of a bank cannot make an order against:

- (a) the agriculturist, who has availed financial assistance
- (b) heirs or legal representative of the agriculturist.
- (c) guarantor of the agriculturist
- (d) tenant of the agriculturist

8. In a suit for partition and separation possession of joint family property or property owned jointly or in common by a plaintiff who is in joint possession of such property, if the valuable of plaintiff's share exceeds Rs. 10,000/-. the court fees payable in Rajasthan would be:

- (a) computed on the market value of the plaintiff's share of the property
- (b) computed on half of the market value of the plaintiff's share
- (c) fixed court fee of Rs. 200/-
- (d) computed on market value of the entire property

9. Which provision of the Rajasthan Court Fees and Suits Valuation Act, 1961 provides for refund of full amount of fee where a suit is settled by any one of the modes provided under Section 89 of the Code of Civil Procedure?

- (a) Section 63
- (b) Section 65-A
- (c) Section 65-B
- (d) Section 68

10. Under the provisions of Hindu Succession Act, 1956, any property inherited by a female Hindu from her father or mother shall devolve, in absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter):

- (a) Upon the heirs referred to in Section 15(1) of the Act
- (b) Upon the heirs of deceased female Hindu's father

- (c) Upon the heirs of deceased female Hindu's husband
- (d) None of the above

11. In which of the following cases has the Supreme Court ruled that under the Muslim Law a gift of immovable property fulfilling essential ingredients of a valid gift i.e. declaration of gift by donor, acceptance of gift by donee and delivery of possession, even if reduced into writing does not require compulsory registration?

- (a) *Hafeeza Bibi and Others v. Shaikh Farid Others (2011) 5 SCC 654*
- (b) Abdul Basit v. Mohd. Abdul Kadir Chaudhary & Others (2014) 10 SCC 754
- (c) Abdul Gani Bhat v. Islamia College Governing Board (2011) 12 SCC 640
- (d) None of the above

12. Part IX-B of the Constitution of India containing Articles 243ZH to 243ZT pertaining to the Cooperative Societies was inserted by:

- (a) Constitution (Seventy Third) Amendment) Act. 1992
- (b) *Constitution (Ninety Seventh Amendment) Act, 2011*
- (c) Constitution (Ninety First Amendment) Act, 2003
- (d) Constitution (Ninety Fifth Amendment) Act, 2010

13. Whether a valid adoption under the Hindu Adoption & Maintenance Act, 1956, can be cancelled by the adoptive father or mother or any other person?

- (a) Yes
- (b) *No*
- (c) Only by adoptive mother
- (d) None of the above

14. Under which provision of the Rajasthan Land Revenue Act, 1956, power to stay executive of orders of lower court, has been conferred on the appellate authority?

- (a) Section 151
- (b) *Section 41*
- (c) Section 81
- (d) Section 75

15. Can a civil court adjudicate in a civil suit, upon any question relating to registration of a person in an electoral roll for a constituency, under the Rajasthan Panchayati Raj Act. 1994?

- (a) Yes
- (b) *No*

From Student to Lawyer to Judge

- (c) Both (1) & (2)
- (d) None of the above

16. Which provision of the Rajasthan Municipalities Act, 2009 deals with suits against Municipality or its officers?

- (a) Section 302
- (b) Section 304
- (c) Section 182
- (d) Section 199

17. Which of the following Statutes regulates the amount of legal practitioner's fee to be taxed as costs under a decree or order of a court?

- (a) Code of Civil Procedure, 1908
- (b) Rajasthan Court Fee & Suits Valuation Act, 1961
- (c) General Rules (Civil), 1986
- (d) Income Tax Act. 1961

18. In the event of death of the person referred to in sub-clause (i) of Section 2(1) of the Rajasthan Rent Control Act, 2001, in case of premises let out for residential purposes, who of the following ordinarily residing with the tenant as member of his family upto his death, shall be included within the definition of tenant?

- (a) surviving spouse, son, daughter, brother. sister, mother, father, grandfather and grand mother
- (b) surviving spouse, son, daughter, brother. sister, mother and father
- (c) surviving spouse, son, daughter, mother and father
- (d) surviving spouse, son and daughter

19. The authority competent under Rajasthan Tenancy Act, 1955 to decide a dispute about ownership of a tree and a right to remove it is:

- (a) Patwari
- (b) Sadar Kanungo
- (c) Tehsildar
- (d) Sub Divisional officer

20. An arbitration agreement providing for arbitration by four arbitrators is, under the Arbitration & Conciliation Act, 1996, to be construed as an agreement for arbitration by:

- (a) Sole arbitrator
- (b) Five arbitrators

- (c) Three arbitrators
- (d) Four arbitrators

21. Specific performance of any contract may be ordered where:

- (a) There exists no standard for ascertaining actual damage by non performance of the act to be done.
- (b) Compensation in money is adequate relief
- (c) The performance of the contract involves performance of continuous duty which the court cannot supervise.
- (d) The contract is by its nature determinable.

22. A partnership firm is:

- (a) A distinct legal entity from its partners
- (b) An independent juristic person
- (c) An agent of its partners
- (d) None of the above

23. In view of Section 105 of the Transfer of Property Act, 1882 a lease of immovable property is a transfer of:

- (a) A right to enjoy such property in consideration of a price paid or promised or of money, a share of crops, service or any other thing of value.
- (b) An interest in specific immovable property for securing the payment of money advanced.
- (c) Ownership in consideration of price paid or promised.
- (d) Certain immovable property, made voluntarily and without consideration.

24. Which Article of the Constitution of India provides that the law declared by the Supreme Court of India shall be binding on all courts within the territory of India?

- (a) Article 141
- (b) Article 139-A
- (c) Article 140
- (d) Article 142

25. A lease of immovable property for any term exceeding one year can be made:

- (a) Only by a registered instrument
- (b) By oral agreement
- (c) By oral agreement accompanied with delivery of possession
- (d) Either by oral agreement or by a registered instrument

26. Provision of Section 5 of the Limitation Act, 1963 for extension of prescribed period are applicable to:

- (a) A suit
- (b) An application for execution of decree
- (c) Both the above
- (d) None of the above

27. A suit may be defeated due to:

- (a) Non joinder of a proper party
- (b) Misjoinder of a necessary party
- (c) Non-joinder of a necessary party
- (d) Mis-joinder of a proper party

28. Communication of acceptance is complete as against the proposer:

- (a) When it comes to the knowledge of the proposer
- (b) When it is put in the course of transmission to the proposer so as to be out of power of the acceptor.
- (c) When the acceptance is communicated to the proposer.
- (d) All the above

29. The Commissioner appointed under the provisions of Order XVIII of the Code of Civil Procedure for the purpose of recording of evidence cannot:

- (a) Re-examine a witness
- (b) Decide objections raised during the recording of evidence
- (c) None of the above
- (d) Both (1) & (2)

30. Premises under the Rajasthan Rent Control Act, 2001 does not include:

- (a) Out house appurtenant to a building.
- (b) Accommodation in a hostel
- (c) Both(1)&(2)
- (d) None of the above

31. Dominant heritages' under the Easements Act, 1882 means:

- (a) The Land for the beneficial enjoyment of which the right exists
- (b) The land on which the liability is imposed
- (c) Both (1) & (2)
- (d) Neither (1) nor (2)

32. 'Lok Adalats' are organised under which legislation?

- (a) Motor Vehicles Act, 1988
- (b) The Legal Services Authorities
- (c) Code of Civil -Procedure, 1908
- (d) None of the above

33. The Indian Evidence Act, 1872 applies to:

- (a) all judicial proceedings in or before any Court
- (b) affidavits presented to any Court or Officer
- (c) proceedings before an Arbitrator
- (d) all the above

34. The Hindu Marriage Act, 1955 is not applicable to:

- (a) a follower of the Brahma Samaj
- (b) the person, who is a Sikh by religion
- (c) any person who is a convert to the Hindu religion
- (d) the members of any Scheduled Tribe

35. The special provisions as to payment of compensation on structured formula basis under the Motor Vehicles Act, 1988 are contained in:

- (a) Section 140
- (b) Section 163
- (c) Section 163-A
- (d) Section 166

36. Any court may take cognizance of an offence after expiry of the period of limitation, if it is satisfied on the facts and circumstances of the case that:

- (a) An attempt has been made to explain the delay.
- (b) It is necessary so to do in the interest of justice.
- (c) The State Government has given instructions for taking such cognizance.
- (d) In 1 and 2 both the conditions

37. On a declaration of forfeiture of a book by the State Government under Section 95 of the Code of Criminal Procedure,

- (a) District Magistrate the application to set aside lies to the:
- (b) Chief Judicial Magistrate
- (c) District & Sessions Judge
- (d) High Court

38. Which of the following correct?

- (a) A person arrested by police officer without warrant shall be taken before a Magistrate without unnecessary delay.
- (b) The detention of a person in police custody arrested without warrant, cannot exceed twenty-four hours even by a special order of Magistrate, excluding the time necessary for journey from place of arrest to the Magistrate's court. The police officer shall discharge the person arrested of bailable offence without any bond or bail.
- (c) The police officer shall discharge the person arrested of bailable offence without any bond or bail.
- (d) All of the above

39. The effect of error in stating the required particulars in the charge, shall be regarded material under which of the following circumstances:

- (a) When co-accused dies.
- (b) When the accused is misled by the error.
- (c) When a material witness becomes hostile.
- (d) When the accused is declared absconded.

40. Under Section 428 of Code of Criminal Procedure, which of the following period of detention undergone by the accused shall be set-off against the sentence of imprisonment in a case:

- (a) Period of detention undergone in default of payment of fine.
- (b) Period of detention undergone during investigation and trial of that case.
- (c) Period of detention undergone during investigation and trial of a similar case.
- (d) All of the above

41. During the course of trial of a murder case, which of the following may be proved:

- (a) Statement of confession of accused made in police custody during investigation.
- (b) Recovery of the weapon of offence on basis of statement made by accused during investigation of another case.
- (c) After recovery of dead body, the statement of accused as to the place where he threw the dead body
- (d) None of the above

42. Which of the following statement is not correct?

- (a) The non-examination of the doctor endorsing the dying declaration, does not always affect the evidentiary value of the dying declaration.
- (b) Non-signing of the dying declaration by a literate declarant unable to sign, does not render the veracity of dying declaration doubtful.

(c) When the relatives of the declarant are present during dying declaration, the dying declaration would not be relevant.

(d) The statement recorded in F.I.R. may be treated as dying declaration.

43. The report of a Medical Officer stating the injuries of the victim is:

(a) Conclusive in nature

(b) Relevant and admissible in evidence

(c) Irrelevant

(d) Substantive piece of evidence

44. Under which of the following conditions, a leading question may be asked during examination-in-chief with the permission of the Court?

(a) In matters which are disputed or not introductory.

(b) When matter in question is sufficiently proved.

(c) Under both of the above conditions.

(d) Under none of the above conditions.

45. Statement A: The presumption under Section 113-A of Indian Evidence Act is not attracted if the marriage took place more than seven years prior to the suicide of woman, even if the cruelty is established by prosecution.

Statement B: By the introduction of Section 113-A of Indian Evidence Act, the prosecution is not required to prove the facts beyond reasonable doubt against the accused.

Which of the statement is correct?

(a) Statement A

(b) Statement B

(c) Both statement A & B

(d) None of the statements

46. During examination-in-chief of a case under Section 325 of Indian Penal Code, the victim denies the prosecution case. Under what provision of Indian Evidence Act, the victim may be asked leading questions by the Public Prosecutor?

(a) Section 139

(b) Section 144

(c) Section 154

(d) Section 165

47. Statement A: If an alteration to the electronic signature made after affixing such signature, is not detectable, then for the purpose of authentication, such electronic signature is reliable.

Statement B: During formation of a contract, the communication of proposals is expressed through electronic record. in such a case, that electronic record solely does not render the contract unenforceable.

- (a) Statement A-is correct
- (b) Statement B is correct**
- (c) Both statement are correct
- (d) Both statement are incorrect

48. The offence of theft of electricity is committed, if:

- (a) The meter is dishonestly tampered with.**
- (b) The meter is dishonestly moved from one place to another without consent of owner
- (c) The meter is dishonestly stored without consent of the owner.
- (d) All the above

49.A material alteration in a Negotiable Instrument without the consent of the endorser, renders the Negotiable Instrument as:

- (1) Voidable
- (2) Vold
- (3) Invalid
- (4) None of the above Ans. (Deleted)

50.(1) On failure to observe any of the conditions of the bond entered under Section 4 of the Probation of Offenders Act. 1958, the Court is at discretion to sentence the offender for the original offence. or to impose a penalty upto rupees fifty in case of first failure:

(2) An offender, above the age of twenty one years, cannot be granted probation under Sections 3 & 4 of the Probation of Offenders Act, 1958.

(3) On failure of the offender to enter a fresh bond on an order of Court under Section of the Probation of Offenders Act, 1958, the Court shall not sentence him for the offence of which he was found guilty.

(4) The amount of compensation imposed on the offender under Section 5 of the Probation of Offenders Act, 1958 can be recovered as fine in accordance with the provisions of Code of Criminal Procedure.

Which of the above is correct?

- (a) Statements (A) & (B)
- (b) Statements (B) & (C)
- (c) Statements (C) & (D)
- (d) Statements (D) & (A)**

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51. Who of the following have powers to frame rules under Section 17 of the Probation of Offenders Act, 1958?

- (a) State Government with the approval of Central Government.
- (b) Central Government with the consent of State Government.
- (c) High Court
- (d) All the above

52. Who of the following on acting in good faith are protected from prosecution under Section 84 of the Information Technology Act, 2000?

- (a) The Subscriber
- (b) The Controller
- (c) The Originator
- (d) All the above

53. The Protection of Women from Domestic Violence Act, 2005 extends to whole of India, except:

- (a) State of Jammu & Kashmir
- (b) State of Nagaland
- (c) Tribal areas of Assam as referred to in paragraph 20 of the sixth Schedule to the Constitution
- (d) All the above

54.A Magistrate directing the matter to be referred for counseling under Section 14 of the Protection of Women from Domestic Violence Act, 2005, will fix the next date for hearing:

- (a) After a period of two months
- (b) Within a period not exceeding two months
- (c) After a period of three months
- (d) After a period of four months

55. An appeal to High Court against the judgment of special Court established under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be preferred:

- (1) Within a period of ninety days
- (2) Within a period of sixty days
- (3) Within a period of thirty days
- (4) Within a period of one hundred and twenty days

56.In the prosecution for an offence of intentionally insulting the member of Scheduled Caste at a marriage function, it is proved that the victim is the

neighbour of accused and they had good relations for past ten years, then what shall the Court presume?

- (a) That accused has caused mental agony to victim
- (b) That accused was aware of victim's caste
- (c) Both of the above
- (d) That accused has promoted ill-will against members of scheduled castes

57. A blood stained shirt is produced in defence evidence by the accused. Which of the following exhibit will be marked on it?

- (a) Exhibit P-1
- (b) Exhibit D4
- (c) Exhibit Article-1
- (d) Exhibit Article A-1

58. In a criminal case, the accused has been acquitted under Section 380 of Indian Penal Code. The papers of the file relating to the identification of stolen property can be destroyed:

- (a) On expiration of fifty years, reckoned from 31st December next ensuing after the order disposing of the case.
- (b) On expiration of five years, reckoned from 30th June or 31st December next ensuing after the order disposing of the case.
- (c) On expiration of three years, reckoned from 31st December next ensuing after the order disposing of the case.
- (d) On expiration of two years, reckoned from 30th June or 31st December next ensuing after the order disposing of the case.

59. The Chief Judicial Magistrate is duty bound to inspect the court of his subordinate Judicial Magistrate, on which of the following basis?

- (a) Weekly
- (b) Quarterly
- (c) Half Yearly
- (d) Yearly

60. Under Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015, "child" means a person, who has not completed:

- (a) 21 years of age
- (b) 18 years of age
- (c) 14 years of age
- (d) 16 years of age

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61. Who shall review the pendency of cases; of Juvenile Justice Board, on quarterly basis?

(1) Chief Judicial Magistrate

(2) High Level Committee consisting of the Executive Chairperson of the State Legal Services Authority.

(3) District Magistrate.

(4) Chairperson of Human Rights Commission.

62.(1) A Judicial Magistrate First Class can authorize the detention in custody. of a person accused of an offence triable by Special Court established under The Narcotic Drugs and Psychotropic Substances Act, 1985, for a period not exceeding fifteen years.

(2) The Special Court established under The Narcotic Drugs and Psychotropic Substances Act, 1985, cannot exercise the power to authorize the detention of accused in custody, as enunciated under Section 167 of Code of Criminal Procedure.

(3) The definition of 'use' under Section 2(xxviii-a) of The Narcotic Drugs and Psychotropic Substances Act, 1985. excludes personal consumption of narcotic drugs and psychotropic substances.

(4) The High Court, by special order, may constitute-as many Special Courts under The Narcotic Drugs and Psychotropic Substances Act, 1985, as necessary.

Which of the above statements are correct?

(a) (A)&B)

(b) (A)&(C)

(c) (B)&(C)

(d) (C) & (D)

63. Who of the following police officers is empowered to record statement of a child under Section 24 of the Protection of Children from Sexual Offences Act, 2012?

(a) Constable

(b) Any woman police officer

(c) Woman police officer not below the rank of Sub-Inspector

(d) Woman police officer not below the rank of Deputy Superintendent of Police

64. Which of the following statements is not correct:

(a) In a criminal act done by several persons in furtherance of common intention of all, each of them will be held liable for that act.

(b) In an act done by several persons, the act being criminal only by reason of its being done with criminal knowledge or intention, all persons joining in the act. irrespective of such knowledge or intention, will be held liable for that act:

(c) In an offence done by means of several acts, all the persons intentionally cooperating in that act by doing any of those acts, will be held liable for that offence

(d) In a criminal act done by several persons, all may be held liable for different offences by means of that act

65. 'A' a public servant, having charge of translation of a document, makes an incorrect translation of a document with an intent to cause injury to 'B'. The offence committed by 'A' is:

(a) Non-Cognizable

(b) Non-Bailable

(c) Non-Compoundable

(d) All of the above

66. 'A' & 'B' orally agree to sell an estate. A dishonestly induces 'B' to make advance payment of Rs. 5 lacs and make final payment at the execution of conveyance. 'B' pays advance amount Later on, at the request of 'B' to execute the conveyance. A denies the agreement as well as the receipt of any amount. What offence has been committed by A"?

(a) Offence under Section 403 Indian Penal Code

(b) Offence under Section 406 Indian Penal Code

(c) Offence under Section 420 Indian Penal Code

(d) Offence under Section 420 & 465 Indian Penal Code

67. 'A' & 'B' are good friends. 'A' proposes 'B' for marriage, but she denies. 'A', in suspicion of B's love affair with somebody else, monitors the use of mobile phone and email account by 'B'. What offence has been committed by A'?

(a) Outrage the modesty

(b) Voyeurism

(c) Stalking

(d) None of the above

68. Which of the following case upheld the constitutionality of Section 499 & 500 of the Indian Penal Code?

(a) Subramanian Swamy v. Union of India, Ministry of Law & Ors. 2016

(b) MLJ (Cri) 542 (2)-Jacob Mathew v. State of Punjab & Anr. (2005) 6 SCC 1

(c) Brij Bhushan v. State of Delhi, AIR 1952 SC 329

(d) Manoj Narula v. Union of India (2014)- 9... SCC1

69. The Court, after the commencement of prosecution evidence, allows the Assistant Public Prosecutor to withdraw the prosecution. The accused shall be:

- (a) Released
- (b) Discharged
- (c) Acquitted
- (d) None of the above

70. Statement A: Bail granted under Section 167(2) of the Code of Criminal Procedure, 1973 has same incidents as bail granted under Chapter XXXIII of the Code. Statement B: Bail granted under Section 167(2) of the Code of Criminal Procedure, 1973 cannot be cancelled under Section 437(5) of the Code.

- (a) Statement A is correct
- (b) Statement B is correct
- (c) Both the statements are correct
- (d) Both the statements are incorrect

71. The child broke the mirror

- (a) The mirror is broken by the child
- (b) The mirror was broken by the child
- (c) The mirror was broken
- (d) The mirror has been broken

72. Send these letters by Registered Post.

- (a) The letters are sent by Registered Post
- (b) The letters were sent by Registered Post
- (c) Let these letters be sent by Registered Post
- (d) Let these letters sent by Registered Post

73. _____ small shopkeepers are finding life increasingly difficult

- (a) A
- (b) An
- (c) The
- (d) Any

74. _____ is known about the side effects of this drug.

- (a) Few
- (b) Some
- (c) None

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(d) Little

75. He is over eighty but.....still read without glasses.

(a) used

(b) can

(c) needs

(d) must

76. We.....pay income tax without fail.

(a) should

(b) must

(c) may

(d) need not

77. ILLEGIBLE (opposite)

(a) Lawful

(b) Easy

(c) Imitable

(d) Readable

78.LIABILITY (opposite)

(a) Treasure

(b) Debt

(c) Assets

(d) Property

79.A bone of contention (Meaning)

(a) act of submission

(b) area of agreement

(c) subject of dispute

(d) subject of intention

80.The accused was hiding important evidence. (Change to Negative)

(1) The accused not hiding important evidence

(2) The accused was hiding important evidence

(3) The accused not hiding was important

81. Tiger won't attack..... They are hungry.

(a) Because

- (b) If
- (c) Unless
- (d) Although

82. Trust in god.....do the right.

- (1) But
- (2) And
- (3) Or
- (4) Yet

83. Look, that man is.....a photo of you.

- (a) Takes
- (b) Will take
- (c) Took
- (d) Taking

84. Someone has...my books

- (a) steal
- (b) stolen
- (c) stole
- (d) will steal

85. Slow and steady _____ the race.

- (a) Win
- (b) Will win
- (c) Wins
- (d) won

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