

CHHATTISGARH (J) EXAM 2003

1. Whether the pendency of a suit in a foreign court will preclude the courts in India from trying a suit founded on the same cause of action?

- (a) Yes
- (b) No
- (c) It will depend on the nature of the suit
- (d) Finding will be said on valuation of the suit

2. The provisions of Res Judicata also apply to the execution proceedings of a decree:

- (a) True
- (b) False
- (c) Resjudicata only applies to the suit
- (d) Not apply if objection raised by Defendant

3. In the case of a public nuisance a suit for declaration and injunction may be instituted by:

- (a) Two persons, with the leave of the court
- (b) Two persons having obtained oral consent of the Advocate General
- (c) Two persons having obtained the written consent of the advocate general
- (d) Two persons having no special loss by such public nuisance

4. In which of the following cases can set-off of the claim?

- (a) A sues C on a Bill of Exchange C alleges that A has wrongfully neglected to insure C's goods and is liable to pay in compensation
- (b) A sues E and C for Rs. 1000 the debt is due to C by A alone
- (c) A sues B and C for Rs. 1000 the debt is due to C by A alone
- (d) A sues C on a bill of exchange of Rs. 500 C holds a judgement against A for recovery of debt of Rs. 1.000

5. Where the defendant is confined in a prison, the summons shall be served:

- (a) By affixing out side the prison
- (b) By sending process server in the prison
- (c) By delivery of the summons to the officer Incharge of the prison for service on the defendant
- (d) By production warrant through the court

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6. Whether the appeal or revisional court can return the plaint under Order 7 Rule 10 CPC after set side the decree:

- (a) No
- (b) On technical ground
- (c) With the consent of parties

(d) Yes

7. The plaint shall be rejected in the following ground also:

- (a) Where it is not filed in 2 copies
- (b) Where it is not supported with affidavit
- (c) Where plaintiff has not affixed his photo
- (d) Where plaintiff does not put his signature

8. Where the defendant appears and the plaintiff does not appear when the suit is called for hearing and where a part of the claim is admitted the court shall:

- (a) Dismiss the whole suit
- (b) Dismiss the suit so far as it relates to the remainder
- (c) Pass the decree of the whole claim
- (d) Proceed exparte (proceedings) against defendant

9. Where the appellant has withdrawn the appeal preferred against a decree passed exparte the application under Order 9 Rule 13 shall be:

- (a) Rejected
- (b) Returned
- (c) Maintainable
- (d) Referred for opinion to the Appellate Court

10. If sufficient cause is shown by the parties for adjourn the hearing of the case the court shall not adjourn the case more than:

- (a) Once
- (b) Twice
- (c) Three
- (d) Four time

11. In every case the examination in chief shall be:

- (a) On affidavit

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- (b) Orally
- (c) By typing in this court
- (d) As court thinks fit

12. Where a suit abated or dismissed under Order 22 of CPC on the same cause of action:

- (a) New suit may institute with the consent of parties
- (b) With prior permission of the court fresh suit may file
- (c) No fresh suit shall be brought
- (d) If sufficient cause shown, then new suit may file

13. Whether a minor on attaining majority may, if a sole plaintiff, apply that a suit instituted in his name by his next friend be dismissed on the ground that it was unreasonable or improper:

- (a) No
- (b) With the consent of next friend
- (c) Yes
- (d) Joint application will be with next friend

14. Where any injunction is passed without giving notice to opposite party the court will try to decide the application within:

- (a) 7 days
- (b) 15 days
- (c) 21 days
- (d) 30 days

15. Immovable property does not include timber

- (a) True
- (b) False
- (c) Till it is rooted in the earth
- (d) Only the branches of timber does not include in immovable property

16. Under Section 5 of T.P. Act "Living Person" does include company also:

- (a) True
- (b) False
- (c) Company is not living person
- (d) Company cannot transfer its assets

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17. Where writing is not expressly required by law a transfer of property may be made orally:

- (a) False
- (b) Transfer can only be made by writing
- (c) With consent of parties oral transfer can be done
- (d) True

18. A lets a farm to B on condition that he shall walk hundred miles in an hour:

- (a) The lease is void
- (b) lease can be executed if B walks 100 miles in a hour
- (c) Lease can be executed
- (d) Conditional transfer can be made

19. Transferee of the part performance has right to protect his possession:

- (a) Wrong
- (b) Right can accrue only after payment of full consideration
- (c) Right
- (d) Delivery of possession is not necessary

20. Which of the following is usufructuary mortgage:

- (a) Where without delivery of the possession of the mortgage property binds himself to pay the mortgage money
- (b) Where without delivery of the possession to the mortgage but retains the profit of the property
- (c) Where mortgagor binds himself to repay the mortgage money on a certain date
- (d) None of the above

21. Termination of lease of immovable property shall be in the following manner:

- (a) By oral intimation
- (b) By written notice
- (c) By sending agent
- (d) By telephonic intimation

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22. A lease of immovable property from year to year or exceeding one year can be made:

- (a) Only before Notary
- (b) Valid if executed before Magistrate
- (c) Agreements made by parties will be effective

(d) Only by a registered instrument

23. Gift comprising of future property is valid:

- (a) Right
- (b) Wrong
- (c) Gift property may be provide in future to valid it
- (d) Future gift will be valid if donee accepted it

24. Universal donee is:

- (a) Not Hable for any debt or liabilities
- (b) Donee is personally liable for all debts to liabilities existing at the time of gift
- (c) Donee is only liable for half of the liabilities
- (d) Donee is only liable for the one-third of liabilities

25. Transfer of actionable claim under Section 130 of T.P. Act:

- (a) It does not apply to transfer of life insurance policy
- (b) It does not apply to the transfer of marine or fire policy
- (c) It does not apply to vehicle insurance

(d) None of the above policy applies

26. Whether furniture provided by landlord is defined as accommodation under Section 2 of A.C. Act:

- (a) No
- (b) Furniture never be accommodation

(c) Yes

- (d) Furniture which is attached with land can be accommodation only

27. Accommodation which is the property of the Government Accommodation Control Act shall not apply:

(a) True

(b) Government notification may apply through

(c) False

(d) With the consent of Government and tenant it can apply

28. Pagree means (as defined in Section 6 of Accommodation Control Act)

(a) Deposits which is refundable

(b) Premium or cash received or claimed in addition to rent

(c) Amount which is received by landlord as agreement

(d) Special amount for special place or accommodation

29. Member of the family:

(a) Married sister

(b) A friend in service living together

(c) Unmarried sister

(d) Married daughter

30. If any eviction decree is obtained on the basis of compromise than on execution:

(a) The executing court has not right to enquire about the validity of the decree

(b) Executing court will see whether ground was available or not

(c) Tenant has right to challenge the decree as no ground was available under Section 12 of the Act

(d) Landlord has right to impose new condition for execution

31. If not specific place is agreed regarding payment of rent between landlord and tenant then the tenant will pay the rent:

(a) In the business place of the landlord

(b) In the residential house of the landlord

(c) The landlord will come to the tenant and receive

(d) Rent will be deposited in Bank account of landlord

32. Plaintiff lives in another city but casually when he comes lives in the suit house with his family:

(a) It doesn't include in bonafide need of plaintiff

(b) When plaintiff lives in other city how it would be bonafide need

(c) It also includes bonafide need of plaintiff

(d) Only when the plaintiff comes to enjoy vacation it includes bonafide need

33. Tenant cannot sue against sub-tenant why:

- (a) Because the contract is voidable
- (b) As there was no contract
- (c) As no permission taken from landlord
- (d) Because the contract is void

34. If stairs of the house is dismantled as unsafe whether tenant can get any relief under section 38 of the Accommodation Control Act:

- (a) Yes
- (b) No
- (c) It can be directed to re-erect the stairs
- (d) It depends on the discretion of the Rent Control Authority

35. Who can take cognizance of the offence mentioned under section 44 of the Accommodation Control Act:

- (a) Third Class Magistrate
- (b) Second Class Magistrate
- (c) First Class Magistrate
- (d) Second Class Executive Magistrate

36. Agriculture includes betel leaves and water nuts produce:

- (a) No
- (b) Only peddy, wheat and pulses included
- (c) Right
- (d) Till today not included

37. Rent means as defined in Section 2(1) in C.G. Land Revenue Code:

- (a) Money or kind payable on account of land
- (b) Consideration paid during sale of the land
- (c) Income Tax Imposes by the Income Tax department
- (d) Service money given to kotwar

38. Within how many period a person who lawfully acquired the right in land shall report to the revenue department:

- (a) 30 days
- (b) 3 months
- (c) 6 months**
- (d) 12 months

39. At the end of which month the village patel shall direct the holder of the land to rectify the defective survey mark:

- (a) July
- (b) June
- (c) October
- (d) November**

40. Who can correct the errors in record of rights which the parties admit:

- (a) Tahsildar
- (b) Revenue Inspector
- (c) S.D.O**
- (d) Collector

41. When a transfer of land is done by a tribe then who can file application under section 170A of Land Revenue Code:

- (a) By son of the seller
- (b) By the seller only**
- (c) By Revenue Officer
- (d) Any person who have knowledge about transfer

42. In a partition proceeding before Tahsildar under- Section 178 of Land Revenue Code, if question of title is raised before Tahsildar for how many period Tahsildar shall stay the proceeding to file civil suit and get stay:

- (a) 6 months
- (b) 3 months**
- (c) 1 months
- (d) 15 days

43. Whether transfer of trees standing on the land is valid:

- (a) It can be transferred with the land
- (b) Only trees can be transferred

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(c) Standing trees can not be transferred

(d) It can be transferred with the permission

44. The following land includes in Nistar Patrak:

(a) All agricultural land

(b) All unoccupied land

(c) All tanks

(d) All roads

45. Whether civil court can decide regarding reinstatements of a Bhumiswami improperly dispossessed u/s 250 of Land Revenue Code:

(a) Yes

(b) With the consent of Parties

(c) No

(d) Both revenue and civil court can decide

46. Every promise and every set of promises, forming the consideration for each other:

(a) is a promise

(b) Is an agreement

(c) Is called consideration

(d) is called contract

47. When, during partition in a family or it is agreed as family arrangement to maintain the mother then his contract is:

(a) Void and not enforceable

(b) Voidable but enforceable

(c) Valid and enforceable

(d) Null and void

48. As per Indian law a person attains majority:

(a) When he has completed 21 years

(b) When he has completed 18 years

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- (c) When he has completed 19 years
- (d) When he has completed 25 years

49. A patient in a lunatic asylum who is at intervals of sound mind:

- (a) May not contract
- (b) May contract during intervals**
- (c) May contract on Medical certificate
- (d) May contract after complete sound mind

50. A sells, by auction, to B, a horse which A knows to be unsound, A says nothing to B about the horse's unsoundness:

- (a) This is not fraud in A**
- (b) A plays fraud with B
- (c) A did not tell the truth to B
- (d) A did not follow the ethics

51. A agrees to let her daughter to hire to B for concubinage. The agreement is:

- (a) Valid
- (b) Morally
- (c) Void because it is immoral**
- (d) If daughter is major then agreement is valid

52. A agrees with B to discover treasure by magic:

- (a) Agreement is valid
- (b) Agreement is immoral
- (c) Agreement is void**
- (d) Agreement cannot be done for fictitious treasure

53. A gives a recognizance binding him in a penalty of Rs, 500 to appear in Court on a certain day. He forfeits his recognizance. He is liable:

- (a) To pay the whole penalty**

- (b) To pay half penalty
- (c) It depends on the discretion of the judge
- (d) For no penalty

54. A sells and delivers goods to B, C afterwards without consideration, agrees to pay for them in default of B:

- (a) The agreement is valid
- (b) Agreement is void**
- (c) Agreement is voidable
- (d) C has no right to agree

55. A hires a carriage of B. The carriage is unsafe though B is not aware of it and A is injured:

- (a) B is not responsible to A for the injury
- (b) B is responsible to A for the injury**
- (c) Both are contributory negligent
- (d) No one is responsible for A injury

56. In how many years a sentences of imprisonment for life can be commuted by the Govt.

- (a) 20 years
- (b) 18 years
- (c) 14 years**
- (d) 12 years

57. The term for which the court directs the offender to be imprisoned in default of payment of a fine shall not exceed:

- (a) One third
- (b) Half
- (c) One fourth**
- (d) Two third

58. A is beating Z, Y interferes and A intentionally strikes Y here as the blow given to Y is not a part of the act where by A voluntarily causes hurt to Z. A is liable to one punishment for voluntarily causing hurt to Z and to another for the blow given to Y:

- (a) Wrong *From Student to Lawyer to Judge*
- (b) A will be punished once as act is done during the same transaction

(c) If Y would have not interfere A would have not beaten him so A is not caused blow to Y intentionally so A will not be punished to cause hurt to Y

(d) Right

59. A, a blacksmith, is seized by a gang of dacoits and forced, by threat of instant death to take his tools and to open the door of B's house. The dacoits ten in number, loot B's money and jewels and kill B's son A:

(a) is guilty of dacoity with murder

(b) is guilty of house breaking and abetment of dacoity

(c) is not guilty of any offence

(d) is guilty of making preparation to commit dacoity

60. A is at work with a hatchet, the head flies off and kills a man who is standing by. No want of proper caution on the part of A. His act is:

(a) Murder

(b) Culpable homicide not murder

(c) His act is excusable, not an offence

(d) Causing death by negligence

61. Right of private defence of the body extends to voluntarily causing death if the offence, which occasions the exercise of right:

(a) Reasonably causes apprehension that death will be caused

(b) Reasonably causes apprehension that simple injury will be caused

(c) Is of escaping with stolen property immediately after the theft

(d) Is of arresting a person who is running away after having committed an offence

62. In Rex v. Govinda the points of distinction between the provisions of the following sections of the IPC were explained:

(a) 34 and 149

(b) 302 and 304

(c) 299 and 300

(d) 403 and 405

63. A instigates B to murder C. B refuses to do so:

(a) A has not committed any offence

(b) A is guilty of abetting B to commit murder

(c) A has committed an offence of attempt to murder

(d) A has committed offence of criminal conspiracy

64. A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign and affix his seal to a blank paper and deliver it to A. Z signs and deliver the paper to A. A is guilty:

- (a) of forgery
- (b) of robbery
- (c) of extortion
- (d) of cheating

65. A Chief Judicial Magistrate may pass a sentence of:

- (a) Imprisonment for a term not exceeding three years or of fine not exceeding five thousand rupees or of both
- (b) Imprisonment for a term not exceeding five years or of fine not exceeding ten thousand rupees or of both
- (c) Imprisonment for a term not exceeding seven years or of fine which may extend to any amount or both
- (d) Imprisonment for a term not exceeding seven years or of fine not exceeding one lakh rupees or of both

66. A has sexual intercourse with his own wife aged about 14 years with her consent. A committed:

- (a) No offence
- (b) Rape
- (c) Intercourse with own wife is not rape
- (d) As there was consent hence A cannot be held guilty for rape

67. A finds a ring lying on the high road. By taking it a commits:

- (a) No offence
- (b) Theft
- (c) Criminal misappropriation
- (d) Loot

68. The appeal against an order of acquittal passed by the Court of Judicial Magistrate first class shall lie to:

- (a) The court of Chief Judicial Magistrate
- (b) The Court of Session
- (c) The High Court
- (d) The Supreme Court

69. A voluntarily confession is admissible in evidence when made to:

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(a) When made to a police officer

(b) To a Magistrate having competent Jurisdiction

(c) To a village Sarpanch with a request to save him from police

(d) Where it leads to no discovery of facts and made to the police officer

70. 'A' is not a servant in Income-tax department but showing himself as Income-tax officer putting raid in 'B' business centre and gets valuable articles thus 'A' commits:

(a) Cheating

(b) Cheating by personation

(c) Robbery

(d) Fraud

71. A is magistrate is making report to superior officer about B's character imputation made in good faith and for public good. A commits:

(a) Offence under section 500 IPC

(b) Offence under section 501 IPC

(c) No offence as it is within exception under section 499

(d) Under section 504 IPC

72. Non cognizable offence means:

(a) A police officer has authority to arrest without warrant

(b) Police officer cannot arrest without warrant

(c) It depends on the discretion of the police officer

(d) On request of complainant arrest can be made

73. Which statement is true:

(a) Summons case means a case which is not warrant case

(b) Summons case means a case through which security is not required

(c) Summons case means a case through in which offence of theft is tried

(d) Summons case means a case in which only summons can be served during trial

74. On an application made by a person apprehending arrest on an accusation of having committed a non- bailable offence the High Court or the Court of Sessions may under Section 438 Cr.P.C. give the direction that:

(a) He shall not be arrested till further order

(b) He shall be released on bail without taking him into custody

(c) in the event of such arrest he shall be released on bail

(d) In the event of such arrest he shall be released on bail three days after the arrest

75. Who can make rules or give special orders from time to time consistent with Cr.PC as to the distribution of business among the subordinate Judicial Magistrate:

- (a) Executive Magistrate
- (b) District Magistrate
- (c) Additional District & Session Judge
- (d) Chief Judicial Magistrate**

76. For appointment of a special public prosecutor how many years experience is required as an practicing advocate:

- (a) 7 years
- (b) 10 years**
- (c) 15 years
- (d) 5 years

77. A is a magistrate in his presence one murder took place during his morning walk, whether he can arrest the culprit himself:

- (a) No
- (b) Yes**
- (c) Only police can arrest
- (d) As the Magistrate has to try the case he cannot arrest

78. Where court has no knowledge about the document or thing to be in the possession of any person? Whether the court can issue search warrant in such condition:

- (a) No
- (b) Only in such condition when it is known No about the specific article
- (c) Yes**
- (d) When specific place or person is specified

79. Whether any criminal court can impound any document produced before it:

- (a) Yes**

- (b) No
- (c) Only civil court can impound
- (d) With the consent of senior officer it can be impounded.

80. Only one statement is true amongst the following:

(a) If any person having sufficient means neglects or refuses to maintain his mother she can apply under section 125 Cr.PC.

- (b) Only wife can get relief under section 125 Cr.PC.
- (c) Only the children will get order under section 125 Cr.PC.
- (d) No order of maintenance can pass under section 125 Cr.PC.

81. The maximum term of imprisonment awardable in a summary trial is:

(a) Three months

- (b) Six months
- (c) One year
- (d) Two years

82. On receipt of first information report for commission of an offence the officer incharge of the police station will send the copy to concern Magistrate under which provision:

- (a) Under Section 154 Cr.PC.
- (b) Under Section 156 Cr.PC.
- (c) Under Section 159 Cr.PC.

(d) Under Section 157 Cr.PC.

83. Whether a person can send fine amount through postal department. Without appearing in the court in some petty offences, if yes under what provision:

- (a) Yes under section 207 Cr.P C
- (b) Yes under section 206 Cr.P C
- (c) Yes under section 210 Cr.P C
- (d) Yes under section 194 Cr.P C

84. A is prosecuted for robbery and in doing so voluntarily causes hurt to B. Whether he may be charged under section 323,392 and 394 of IPC:

(a) Yes

- (b) No
- (c) Alternative charge can be framed

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(d) It depends on the wishes of the magistrate which charge be framed

85. In every criminal trial when the magistrate finds the accused guilty he shall pass the sentence after hearing the accused:

(a) Wrong it is not required in summons cases

(b) Right without hearing the accused no sentences can be passed

(c) It is required only before sending the conviction warrant

(d) Not required at all in any case

86. A, B and C are charged for robbery and after trial convicted by Ist class Magistrate, thereafter whether for the same fact they can be charged and tried for dacoity:

(a) Yes

(b) No

(c) Barred under section 300 Cr.PC

(d) There will be illegality

87. The composition of an offence under section 320. Cr.P.C. shall have the effect of:

(a) Conviction

(b) Discharge

(c) Acquittal

(d) Finish the case

88. Whether any condition imposed by a magistrate when releasing any person on bail can be set aside or modified? If yes, by whom under which provision:

(a) By High Court under section 482 Cr.PC

(b) By High Court or Court of Sessions under section 439 Cr.PC

(c) By Sessions Court under section 465 Cr.P.C.

(d) No court can be setaside or modified such condition

89. Offences against other laws (except IPC) if punishable with imprisonment for 3 years and upwards but not more than 7 years then:

(a) It will be cognizable and Non bailable

(b) Non-cognizable and Bailable

(c) Cognizable and Bailable

(d) Non-cognizable and Non bailable

90. An inscription on a metal plate or stone is a document:

- (a) Wrong
- (b) Right**
- (c) Documents always on paper only
- (d) There are only archaeological things

91. A is tried for the murder of B by poison. The fact that before the death of B, A procured poison similar to that which was administered to B is:

- (a) Not relevant
- (b) Relevant**
- (c) Partly relevant
- (d) Neither relevant nor irrelevant

92. In which section of Indian Evidence Act special provision is mentioned regarding evidence relating the electronic record:

- (a) Under Section 59
- (b) Under Section 63
- (c) Under Section 65-A**
- (d) Under Section 67-A

93. A sells B a horse and verbally warrants him sound. A gives B a paper in these words "Bought of A horse for Rs. 500" Whether B can prove the verbal warranty:

- (a) Yes**
- (b) Barred under section 92 of Evidence Act
- (c) No
- (d) Under section 91 Indian Evidence Act only written documents can be proved

94. A prosecutes B for theft and wishes the court to believe that B admitted the theft to C who must prove the admission:

- (a) A**
- (b) B
- (c) C
- (d) Prosecution

95. Under which provision of Indian Evidence Act court shall presume regarding dowry death:

- (a) Under section 113-A

(b) Under section 114-A

(c) Under section 113-B

(d) Under section 114-B

96. Dumb witness may give his evidence by writing or signs in open court such evidence shall be deemed to be,

(a) Written Evidence

(b) Oral Evidence

(c) Not admissible in evidence

(d) in depends on the discretion of the court to accept it is or not

97. In a trial of Murder, Rape and Dacoity number of witnesses required 10, 8 and 6 respectively.

(a) Right

(b) Wrong it require 12,10 and 8 witnesses respectively

(c) Judge directs how much witnesses to be adduced

(d) No particular number of witnesses is required

98. If any advocate asks questions without reasonable ground, the procedure court should adopt;

(a) Court will not dictate them

(b) Will hear quality

(c) Report to State Bar Council

(d) Will permit to ask

99. Under which provision a witness can refresh his memory:

(a) U/s 145 of Indian Evidence Act

(b) U/s 159 of Indian Evidence Act

(c) U/s 165 of Indian Evidence Act

(d) U/s 157 of Indian Evidence Act

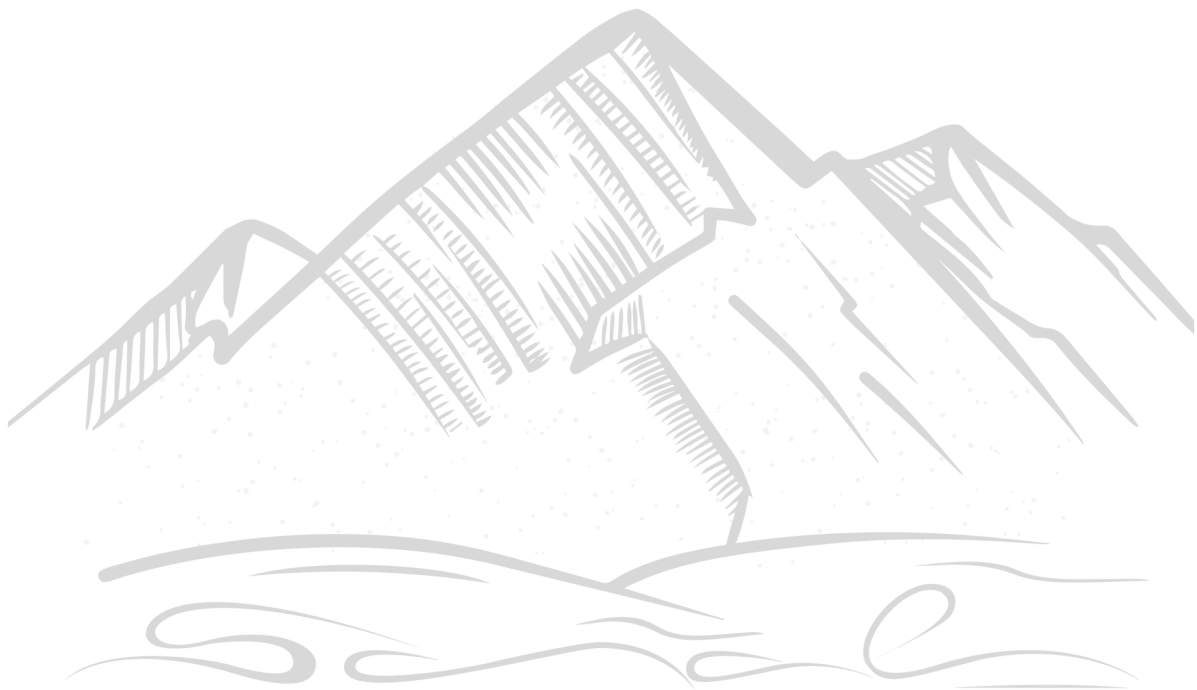
100.A, a sculptor, agrees to sell to B "all my mods", A has both models and tools. Whether evidence can be adduced to show his intention:

(a) Yes

(b) No

(c) Inference should be drawn to see the agreement

(d) Oral evidence is not admissible



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