

## **HIMACHAL PRADESH JUDICIAL SERVICE**

### **PRELIMINARY EXAM 2007**

**1. Relief by way of mandatory injunction is:**

- (a) Prohibitory
- (b) Mandatory
- (c) Discretionary
- (d) None of these

**2. Himachal Pradesh Courts Act was passed in the year:**

- (a) 1986
- (b) 1966
- (c) 1976
- (d) None of these

**3. Which year the Indian Stamp Act passed**

- (a) 1699
- (b) 1999
- (c) 1909
- (d) 1809

**4. The Indian Stamp Act provides for:**

- (a) Stamps payable for postage
- (b) Instruments chargeable to duty under the Act
- (c) Duty payable under the Negotiable Instrument Act
- (d) None of the above

**5. Under the Indian Stamp Act, stamps are of:**

- (a) 5 types
- (b) 03 types
- (c) types
- (d) 02 types

**6. Duly under the Indian Stamp Act in case of of insurance other than fire insurance payable by:**

- (a) Person effecting the insurance

- (b) Insurer
- (c) Jointly by both
- (d) None of these

*From Student to Lawyer to Judge*

**7. A penalty for failure to cancel adhesive stamps may extend to:**

- (a) Rs. 1,000
- (b) Rs. 500
- (c) Rs. 100
- (d) Rs. 1,000 & 2 months imprisonment

**8. Under the Indian Stamp Act any instrument the officer in charge of a public kept officer of police and is chargeable to may be impounded by such officer if:**

- (a) It appears to him that the instrument is not duly stamped
- (b) Not properly written
- (c) Not signed
- (d) None of these

**9. The trial for any offence committed under the Indian Stamp Act may be held:**

- (a) Any district or presidency town in which such instrument is found or tried under Cr.P.C.
- (b) Anywhere in India
- (c) Anywhere in the State
- (d) None of these

**10. The power of collector under the Indian Stamp Act to refund penalty paid is contained in:**

- (a) Section 29
- (b) Section 39
- (c) Section 42
- (d) Section 43

**11. A decree holder:**

- (a) Need not be a party to the suit
- (b) The term is not confined to plaintiff
- (c) both (a) & (b)
- (d) Neither (a) nor (b)

**12. Which of the following is not a right of civil nature:**

- (a) Caste & Religion
- (b) Right to services which are honorary & gratuitous
- (c) Brij jijmam rights
- (d) Both (a) & (b)

**13. Section 10 can come into operation:**

- (a) Before filling of written statement in the subsequent suit
- (b) Before settlement of issues in subsequent suit
- (c) After settlement of issues in subsequent suit
- (d) All of these

**14. A decision on issue of law:**

- (a) Shall always operate as res-judicata
- (b) Shall never operate as res-judicata
- (c) May or may not operate as res-judicata
- (d) Either (a) or (b)

**15. On production of a certified copy of the foreign judgment, the presumption as to the competency of the court, under section 14 of CPC is a:**

- (a) Presumption of fact
- (b) Presumption of fact & law both
- (c) Rebuttable presumption of law
- (d) Irrebuttable presumption of law

**16. Agreement between the parties to institute the suit relating to disputes in a particular court:**

- (a) Does not oust the jurisdiction of other courts
- (b) May operate as estoppels between the parties
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

**17. Under section 100A of the CPC, where any appeal from an original or appellate decree or order is heard and decided by a single judge of a High Court:**

- (a) No further appeal shall lie from the judgement and decree of such single judge
- (b) Further appeal shall lie under the Letters Patent for the High Court
- (c) Further appeal shall lie with the leave of the Supreme Court
- (d) Further appeal shall lie before the Division Bench of the High Court

**18. A suit filed in representative capacity can be withdrawn, compromise and abandoned etc. by the plaintiff:**

- (a) Without notice to all the persons Interested
- (b) After notice to all the persons interested
- (c) Both (a) & (b)
- (d) Either (a) or (b)

**19. Which of the following must be stated in the pleadings:**

- (a) Facta probantia
- (b) Facta probanda
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

**20. Remedies available against an ex- parte decree include:**

- (a) Appeal
- (b) Review
- (c) Application for setting aside the decree
- (d) All of these

**21. Where a decree is silent as regards full interest:**

- (a) Future interest shall be deemed to be refused and a separate suit shall lie for the same
- (b) Further interest shall be deemed to be refused and a separate suit shall lie
- (c) Future interest shall be deemed to be inadvertently omitted and application can be moved before the court
- (d) Future interest shall be deemed to be granted and it shall be arithmetical error to be corrected application

**22. A decree for execution cannot be sent to a:**

- (a) Foreign court
- (b) Court outside India established by the authority of Central Government
- (c) Both (a) & (b)
- (d) Neither (a) nor (b)

**23. Who can be arrested in execution of a decree:**

- (a) A man
- (b) A woman
- (c) A Minor
- (d) All of these

**24. Which of the following properties cannot attached in execution of a decree:**

- (a) Penricus
- (b) Promissory notes
- (c) House or other building
- (d) Hundi

*From Student to Lawyer to Judge*

**25. Liberty to institute a fresh suit in respect of the same subject matter, at the time withdrawal of the suit is given:**

- (a) As a general rule
- (b) Where the suit suffers from same formal defect & is likely to fail on that account
- (c) Where the court finds sufficient grounds
- (d) Only (b) and (e)

**26. In case the application for permission to sue as pauper is rejected, the suit is deemed to have been instituted, under Order 33, Rule 15A of CPC:**

- (a) On the date on which the permission to sue as pauper refused
- (b) On the date on which the court fee is paid
- (c) On the date on which the application for permission to sue as pauper was presented
- (d) Either (a) or (b) or (c) as directed by the court

**27. Relevancy and admissibility under the Indian Evidence Act are:**

- (a) Synonymous
- (b) Co-extensive
- (c) Neither synonymous nor co-extensive
- (d) Synonymous and co-extensive both

**28. Law of evidence is:**

- (a) Lex tallienis
- (b) Lex fori
- (c) Lex loci solutionis
- (d) Lex situs

**29. Question of mode of proof is:**

- (a) A question of law which can be raised at any time
- (b) A question of procedure but has to be raised at the first opportunity and stands waived if not raised at the first opportunity
- (c) A question of procedure and can be raised at any time
- (d) A mixed question of law and fact

**30. Propositions under Evidence Act are:**

- (I) Statement is a genus, admission is a species & confession is a sub species
- (II) Statement & admission are species & confession is a sub species
- (III). Statement & admission are genus & confession is a species

**In this context which of the following is correct:**

- (a) I is correct, II & III are incorrect
- (b) I & II are correct & III is incorrect

- (c) II & III are correct & I is incorrect
- (d) III is correct & I & II are incorrect

**31. A retracted confession:**

- (a) Can be made solely the basis of conviction
- (b) Cannot be made solely the basis of conviction under any circumstances
- (c) Cannot be made solely the basis of conviction unless the same is corroborated
- (d) Both (a) and (c) are incorrect

**32. Confession of a co-accused, not required to be an oath and cannot be tested by cross examination**

**(I) Is no evidence within the meaning of Section 3 of Evidence Act and cannot be the foundation of a conviction**

**(II) The only limited use which can be made of a confession of a co-accused is by way of furnishing an additional reason for believing such other evidences as exists**

**(III) It is a very weak type of evidence and is much weaker even than the evidence of an approver.**

**In the aforesaid propositions:**

- (a) All I, II and III are correct
- (b) Only I and III are correct
- (c) Only I and II are correct
- (d) Only II and III are correct

**33. A dying declaration:**

- (a) Can form the sole basis of conviction without any corroboration by independent evidence
- (b) Can form the basis of conviction only on corroboration by independent witness
- (c) Cannot form the sole basis of conviction unless corroborated by independent witness
- (d) Only (b) and (c) are correct

**34. Secondary evidence is admissible:**

- (a) Where the non-production of primary evidence has not been accounted for
- (b) Where the non-production of primary evidence has been accounted for
- (c) Irrespective of whether the non-production of primary evidence has been accounted for or not
- (d) Both (a) and (c) are correct

**35. Burden of proof:**

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- (a) Partially determines the right to begin
- (b) Substantially determines the right to begin
- (c) Wholly determines the right to begin
- (d) Only (c) and not (a) or (b)

**36. In case a child is born within 280 days of dissolution of marriage, the mother remaining unmarried the presumption of legitimacy of child under section 112 of Evidence Act arises:**

- (a) If the father is alive on the day the child is born
- (b) If the father is not alive on the day the child is born
- (c) Irrespective of whether the father is alive or dead on the day the child is born
- (d) Either (a) or (b)

**37. Estoppel:**

- (a) Is a cause of action in itself
- (b) Creates a cause of action
- (c) Both (a) and (b) are correct
- (d) Neither (a) nor (b) is correct

**38. Testimony of an accomplice before it is accepted and acted upon:**

- (a) Must be corroborated from testimony of another accomplice
- (b) Must be corroborated from independent source
- (c) Need not be corroborated at all
- (d) Either (a) or (c)

**39. During re-examination of a witness:**

- (a) A new matter can be introduced as a matter of right generally
- (b) A new matter can be introduced only with the permission of the court
- (c) No new matter can be introduced at all
- (d) Either (a) or (c)

**40. During examination in chief or re- examination:**

- (a) Leading questions cannot be asked under any circumstances
- (b) Leading questions on certain matters can be asked without the permission of the court, as a matter of right
- (c) Leading question on certain matter can be asked only with the permission of the court
- (d) Only (a) and not (b) or (c)

**41. The right to cross-examine on an available: answer to court question is**

- (a) To the adverse party only
- (b) To the party calling the witnesses only
- (c) To either of the parties if the answer is adverse to either of the parties
- (d) Only (a) and not (b)

**42. Though the contempt proceedings are Judicial proceedings, the strict rules of evidence contained in the Evidence Act do not apply to proceedings under the Contempt of Courts Act because:**

- (a) Of summary nature of inquiry
- (b) Contempt matters are governed by special Acts
- (c) Contempt of courts does not require enquiry and the investigation
- (d) Contempt proceedings are tried in higher judiciary

**43. Specific Relief Act is:**

- (a) Remedial in nature
- (b) Protective in nature
- (c) A subordinate law
- (d) All of these

**44. A suit for recovery of possession under Section 6 cannot be filed against:**

- (a) A private individual
- (b) A company
- (c) A government
- (d) A firm

**45. The question of title is:**

- (a) Relevant under Section 6 of the Specific Relief Act, 1963
- (b) Irrelevant under Section 6 of the Specific Relief Act, 1963
- (c) Question of title is not a provision under the Specific Relief Act, 1963
- (d) None of the above

**46. Relief of rescission is granted in cases:**

- (a) Where the contract is void
- (b) Where the contract is voidable
- (c) Both void & voidable contracts
- (d) Neither void nor voidable contracts

*From Student to Lawyer to Judge*

**47. Injunctions cannot be granted in a suit**



(a) in which the specific performance cannot be enforced

(b) For breach of negative contract to enforce specific performance

(c) For declaration where the plaintiff in possession

(d) Neither (a) nor (b) nor (c)

**48. In cases of specific performance of a contract, the rights of the parties are governed by the principles of:**

(a) Equity

(b) Law

(c) Equity & Law

(d) Only equity and not law

**49. Rise in value since agreement is:**

(a) A ground to refuse specific performance in case of an agreement to sell immovable property

(b) A ground to refuse specific performance in case of an agreement to sell moveable property

(c) A ground to refuse specific performance in case of an agreement to sell immovable and moveable property both

(d) Not a ground to refuse specific performance in case of an agreement to sell either immovable or moveable property

**50. A mandatory injunction is:**

(a) Retrospective in operation

(b) Prospective in operation

(c) Concurrent in operation

(d) Both (b) and (c)

**51. Who is not a class I heir under Hindu Succession Act:**

(a) Mother

(b) Father

(c) Son

(d) Wife

**52. Coparcenary property is known as:**

(a) Joint Family property

(b) Self Acquired property

(c) Separate property

(d) None of these

**53. The alienation of property without the permission of High Court is:**

- (a) Valid
- (b) Void
- (c) Voidable
- (d) Illegal

**54. The Indian Contract Act was enacted in the year:**

- (a) 1950
- (b) 1938
- (c) 1945
- (d) 1872

**55. "A" enters into a contract with 'B' to buy his colour T.V.. provided he obtains bank loan. This contract is called:**

- (a) A valid contract
- (b) Contingent contract
- (c) Voidable contract
- (d) None of these

**56. Mohoribibi v. Dharmodas Ghose is a case relating to:**

- (a) Partition of property
- (b) Divorce
- (c) Minors contract
- (d) None of these

**57. A consent is said to be free when it is not caused by:**

- (a) Coercion
- (b) Undue influence
- (c) Fraud
- (d) All of these

**58. Under Section 6 of the Indian Contract Act, a 'proposal' may be revoked:**

- (a) By the communication of notice of revocation by the proposer to the other party
- (b) By the lapse of time fixed in the proposal for its acceptance
- (c) By the death or insanity of the proposer
- (d) All of the above

**59. When the communication of a proposal is complete:**

- (a) When communication of proposal is posted
- (b) When proposal is written
- (c) When it comes to the knowledge of the person to whom it is made

(d) None of the above

**60. Under Hindu Marriage Act. 'condonation' applies matrimonial offence of: Lo the**

(a) Adultery

(b) Cruelty

(c) Desertion

(d) Both (a) & (b)

**61. The contract of uberrimae fideis means:**

(a) A contract of good will

(b) A contract guaranteed by a surety

(c) A contract of absolute faith

(d) None of these

**62. In order to render a contract void on the ground of mistake, mistake may be:**

(a) Of law

(b) Of mixed fact and law

(c) Of fact and not of law

(d) None of these

**63. The term consensus ad idem means:**

(a) Formation of the contract

(b) Meeting of mind together

(c) Reaching of agreement

(d) General consensus

**64. p' an advocate was engaged by 'g for a fee of Rs. 2,000/- to argue his appeal in the High Court. On the day of hearing. 9 agreed to pay him an additional sum of Rs. 10,000/- if he argues the case well:**

(a) The contract between P and is valid

(b) The agreement is void as it is against public policy

(c) If 'P' argues the case well, irrespective of case, is entitled to the amount

(d) None of these

**65. 'A' a wholesale dealer in rice, enters into an agreement with 'B' that he would not sell rice beyond a radius of one mile of his godown:**

(a) Agreement is valid

(b) Agreement is void

(c) Agreement is invalid

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(d) None of these

**66. Ex nudo pacto non oritur actio, means:**

(a) A stranger to the contract cannot sue

(b) An agreement without consideration is void

(c) An agreement based on natural love and affections

(d) All the above

**67. "A" contracts to pay "B" a certain sum money when "B" marries "C". 'C' dies without being married to "B":**

(a) The contract not enforceable

(b) The contract valid and enforceable

(c) The contract invalid

(d) None of these

**68. A, B and C jointly promise to pay 'D' a sum of Rs. 3,000. A & B are untraceable. Is 'C' is liable to pay?**

(a) 'C' liable to pay 'D' in full

(b) 'C' liable to pay 'D' in part

(c) Liability of 'C' does not arise

(d) None of these

**69. Who can demand performance of the promise**

(a) Promise

(b) Promisor

(c) Stranger

(d) All of these

**70. A notice in the Newspapers inviting tender is:**

(a) A proposal

(b) An invitation to proposal

(c) A promise

(d) An invitation for negotiation

**71. Spes succession 'is' means:**

(a) Chances of succeeding to heredity property

(b) Chances of succeeding to property another of another

(c) Both (a) and (b)

(d) None of these

**72. Rule against perpetuity is a:**

- (a) Rule against transfer of property
- (b) Rule favouring transfer of property
- (c) Rule fixing the maximum period of it for which vesting of property can be postponed
- (d) Includes all

**73. A by a settlement deed transfers property to 'P' for life, then to 'S'. 'S' dies before 'P' dies. On the death of 'P' the heir of 'S' claims the property. Is the claim valid?**

- (a) Valid, since 'S' interest is heritable
- (b) Invalid, since 'S' interest is contingent
- (c) Invalid, since settlement deed is vague
- (d) None of these

**74. Nemo dat quod non habet (no man can confer a better title than that which he himself has) is an established principle of:**

- (a) Rule of transfer of property
- (b) Rule of law of Torts
- (c) Rule of law of crimes
- (d) Rule of contract

**75. The doctrine of 'Lis pendens' applicable:**

- (a) During the pendency of the proceeding
- (b) After filing the suit
- (c) After disposal of the suit
- (d) Before filing the suit

**76. The doctrine of subrogation enables:**

- (a) Third person to stand in the shoes of a creditor
- (b) Creditor to sue the debtor
- (c) Debtor to postpone the payment
- (d) Includes all of these

**77. The transfer of right to enjoyment of property for certain time in consideration of price paid or promised to pay is called:**

- (a) Mortgage
- (b) Lease
- (c) Sale
- (d) None of these

*From Student to Lawyer to Judge*

**78. Two persons mutually transfer the ownership of one thing for the ownership of another for no consideration, the transaction is called:**

- (a) Gift
- (b) Exchange
- (c) Sale
- (d) Lease

**79. Actionable claims are:**

- (a) Share in a company
- (b) Claim to copy right
- (c) Mortgage debt
- (d) None of these

**80. Transfer of property means:**

- (a) Transfer between living beings
- (b) Transfer between living person and trust
- (c) Transfer between legal persons
- (d) Includes all

**81. The Limitation Act brought into force in:**

- (a) 1964
- (b) 1963
- (c) 1965
- (d) 1967

**82. Bar under Limitation act applies to**

- (a) Appeal
- (b) Suit
- (c) Application
- (d) All of these

**83. In computing the period of limitation for an appeal:**

- (a) The day on which judgement pronounced shall be included
- (b) The day on which judgement pronounced shall be excluded
- (c) The day on which judgement pronounced and the time requisite for obtaining copy of the decree shall be excluded
- (d) The time taken for preparing the decree be included

*From Student to Lawyer to Judge*

**84. Effect of death on or before the accrual of the right to sue:**

- (a) Ceases the right to sue



(b) Extends the right to sue

(c) Enables court to dismiss the suit

(d) None of these

**85. After the institution of a suit, a new defendant is substituted. The suit is deemed to have been instituted as regards him:**

(a) When he was made a party

(b) When the suit was instituted

(c) Fresh period of limitation to be reckoned

(d) None of these

**86. Period of limitation for recovery of money is:**

(a) 3 Years

(b) 2 Years

(c) 4 Years

(d) 6 Years

**87. Period of limitation to recover possession from a tenant begins when:**

(a) Term of tenancy is expired

(b) Notice of termination issued

(c) Tenancy is made

(d) None of these

**88. Ground for condonation of delay:**

(a) Poverty

(b) Sickness

(c) Illiteracy

(d) All of these

**89. Limitation Act applies to:**

(a) Only civil suits

(b) Only criminal cases

(c) Both criminal and civil cases

(d) Civil, criminal and service matters

**90. Grounds for legal disability are:**

(a) Minority

(b) Insanity

(c) Idiocy

(d) All of these

*From Student to Lawyer to Judge*

**91. Which of the following is not a prerequisite for a valid marriage under the Hindu Marriage**

- (a) Both parties must have sound mind
- (b) The age of the bridegroom must be 21**
- (c) Either of the party must be an Hindu
- (d) Parties must not be within the degree of prohibitory relationship

**92. T. Sareetha v. Venkatasubbaiah is a case relating to:**

- (a) Partition of property
- (b) Conjugal rights**
- (c) Inheritance
- (d) None of these

**93. Which of the following is not a source of Modern Hindu Law:**

- (a) Precedent
- (b) Equity, Justice and good conscience
- (c) Legislation
- (d) Custom**

**94. Interim Maintenance claimed by Husband/Wife during pendency of matrimonial proceedings is called as:**

- (a) Maintenance pendent lite**
- (b) Alimony pendent lite
- (c) Receivings
- (d) None of these

**95. Which of the following prerequisite is not a ground for judicial separation of a Marriage:**

- (a) Cruelty
- (b) Bigamy
- (c) Suffering from venereal disease
- (d) Demand for dowry**

**96. A Hindu wife is not entitled for separate residence and maintenance if she:**

- (a) Becomes unchaste
- (b) Ceases to be a Hindu by conversion
- (c) Is living separately on her own
- (d) All of these**

**97. Which section of the Hindu Marriage Act deals with Alimony:**

(a) Section 24

(b) Section 21

(c) Section 26

(d) Section 36

**98. Application for maintenance can be made to:**

(a) Trial Court

(b) Appellate Court

(c) High Court

(d) Supreme Court

**99. A degree of dissolution of marriage Indian Divorce Act passed by District Judge requires confirmation of:**

(a) Family Court

(b) Magistrate Court

(c) High Court

(d) Supreme Court

**100. Section 22 of Hindu Marriage Act provides for:**

(a) Bar to Matrimonial relief

(b) In camera proceedings

(c) Rule of fair trail

(d) All of these

**101. The offence under section Negotiable Instrument Act, be tried by: 138 of the 1881 is to**

(a) A Judicial Magistrate of the First Class or Metropolitan Magistrate

(b) A Judicial Magistrate of the Second Class

(c) An Executive Magistrate

(d) A Special Executive Magistrate

**102. Who is entitled to make a complaint for taking cognizance of the offence under Section 138 of the Negotiable Instruments Act, 1881?**

(a) A public spirited citizen

(b) The drawee bank

(c) Only the holder of the cheque

(d) All of these

**103. The complaint for taking cognizance of the offence under Section 138 of the Negotiable Instruments Act, 1881 has to be made:**

(a) Within 15 days of the cause of action

(b) Within one month of the cause of action

(c) Within three months of the cause of action

(d) Within six months of the cause of action

**104. Who as the drawer of a cheque can be prosecuted for non-payment of the cheque due to insufficient funds under section 138 of the Negotiable instruments Act, 1881:**

(a) Only a human being

(b) Only a body corporate

(c) Only a firm

(d) All of these

**105. The subject of Forests' was transferred from Stale List (List II) to the Concurrent List (List III) of the Seventh Schedule of the Constitution of India by:**

(a) The Constitution (24th Amendment) Act

(b) The Constitution (42nd Amendment) Act

(c) The Constitution (43rd Amendment) Act

(d) The Constitution (44th Amendment) Act

**106. The Wild Life Protection Act was enacted in:**

(a) 1872

(b) 1971

(c) 1972

(d) 1973

**107. Wildlife refers to:**

(a) Predatory animals in their natural habitat

(b) Economically important animals and plants

(c) Any living organism in its natural habitat

(d) Any living organism in any habitat

**108. Animals and plants are best protected in:**

(a) Zoos

(b) Botanical Gardens

(c) Sanctuaries

(d) National Parks

**109. Which of the following bird has gained importance as wildlife in recent year:**

(a) Indian Bustard

(b) Pelican

(c) Pheasants

(d) Egrets

**110. Many wild animals are on the verge of extinction due to:**

(a) Hunting

(b) Cannibalism

(c) Climatic changes

(d) Habitat destruction

**111. Which one is not an essential ingredient of a crime?**

(a) Motive

(b) Evil intent

(c) Human being

(d) Act

**112. Unlawful Assembly has been defined in the Indian Penal Code, 1860 under:**

(a) Section 34

(b) Section 146

(c) Section 141

(d) Section 141

**113. In a dark night 'A' and 'B' were fighting. B's wife keeping her child on her shoulder reached there for separating them. In the meaning A's fist fell on the back of the child and the child died. 'A' is liable for:**

(a) Murder

(b) Hurt

(c) Grievous hurt

(d) Culpable homicide

**114. 'A' placed a bomb in a medical store and gave the people inside three minutes time to get out before the bomb exploded. 'B' an arthritic patient, failed to escape and was killed. A' is liable for:**

(a) Murder

(b) Culpable homicide

(c) Causing death by negligence

(d) Causing death by gross negligence

**115. Which one is not necessary in the offence of kidnapping under Indian Penal Code?**

(a) Minor child

(b) Without the consent of lawful guardian

(c) Intention of the accused

(d) None of these

**116. A keeps a loaded pistol with him to kill B f 'B' resists 'A' in committing theft of the property under his possession. 'A' is liable under:**

(a) Section 392

(b) Section 379

(c) Section 383

(d) Section 382

**117. A abets 'B' to beat 'C'. Subsequently 'A' reaches the place where 'B' is beating 'C'. 'A' is liable under:**

(a) Section 34

(b) Section 109

(c) Section 114

(d) Section 149

**118. A removes 'B's book from his house without his consent with the intention to return it to him if he as a friend rewards him for the return 'A' is liable for:**

(a) Theft

(b) Attempt to theft

(c) Criminal breach of trust

(d) Attempt to criminal breach of trust

**119. A pretends to 'B', a person who has been deceased. 'A' is liable to be punished under:**

(a) Section 417 of IPC

(b) Section 418 of IPC

(c) Section 419 of IPC

(d) Section 420 of IPC

**120. In exercise of the right of private defence death cannot be caused in the case of:**

(a) Robbery

(b) House breaking by night

(c) Mischief by fire in dwelling house

(d) Theft, mischief or house trespass

**121. 'A' finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to 'B', and appropriates to his own use. 'A' is guilty of:**



- (a) Theft
- (b) Criminal misappropriation of property
- (c) Criminal Breach of Trust
- (d) Cheating

**122. 'A' puts his hand in the pocket of 'B' for stealing money, but the pocket was empty. 'A' is:**

- (a) Guilty of theft
- (b) Guilty of extortion
- (c) Guilty of attempt to commit theft
- (d) Not guilty of any offence

**123. A bull which is dedicated to an old idol in a temple is caught by 'B' and put to work in his garden. 'B' is:**

- (a) Guilty of mischief
- (b) Guilty of extortion
- (c) Guilty of attempt to commit theft
- (d) Guilty of theft

**124. 'A' a police officer obtains a sum of Rs. 10,000/- from 'B' by putting him under the fear that he will immediately be put into prison and will not be released for months, the police officer is guilty of:**

- (a) Theft
- (b) Robbery
- (c) Extortion
- (d) Mischief

**125. 'A' instigates 'B' to murder 'C'. B refuses to do so. 'A' is guilty of:**

- (a) Abetting 'B' to commit murder
- (b) Criminal conspiracy
- (c) Attempt to murder
- (d) No offence

**126. Which one of the following cases is relate the offence of rape?**

- (a) Vinod Chaturvedi v. State of M.P
- (b) Baldeo Prasad Singh v. State
- (c) Tuka Ram v. State
- (d) Shashidhar Purandhar Hedge v. State of Karnataka to Judge

**127. A child is considered to be doli-capax. when he is:**

- (a) Below 7 years of age

(b) Above 7 years but below 12 years of age

(c) Above 5 years of age

(d) Above 6 years of age

**128. Insanity is:**

(a) Lack of freewill

(b) Unsoundness of mind

(c) Incapable of knowing the nature of the offence

(d) Diseased mind

**129. 'A' fired a shot from his pistol at 'B' but it hit 'C' and 'C' died. The offence committed by 'A' is:**

(a) Murder under section 301

(b) Murder under section 300

(c) Culpable homicide

(d) Attempt to murder

**130. 'A' entered the room of a girl 'B' aged about eight months who was sleeping and injured her private part. In this case A has committed:**

(a) No offence

(b) An offence under section 354 IPC

(c) An offence of rape

(d) An offence of house-trespass

**131. The legal maxim "de minimis non curat lex" means:**

(a) Maximum risk and minimum harm

(b) Minimum should be the harm

(c) The law takes no account of very trifling matters

(d) None of these

**132. 'A' allows an illegal marriage to be solemnized by 'B' a priest in his house. Here:**

(a) 'B' is liable for abetting the offence

(b) 'A' is liable for abetment

(c) Both 'A' and 'B' are liable for abetment

(d) None of these

**133. The abetment of abetment is an offence. It can be directly deduced from:**

(a) Section 107 IPC

(b) Section 108 IPC

(c) Section 109 IPC

(d) Section 110 IPC

**134. A woman ran to a well stating that she would jump into the well but she was caught before she could reach it. She is guilty of:**

(a) Attempt of murder

(b) Attempt of culpable homicide

(c) Attempt to commit suicide

(d) No offence

**135. A with guilty intention abets 'P' a child of six years to commit theft in 'B's house. The act is not committed. Here 'A' is:**

(a) Guilty of theft

(b) Guilty of no offence

(c) Guilty for abetting theft

(d) Guilty of attempt to commit theft

**136. The Code of Criminal Procedure, 1973 came into force on:**

(a) 1st January, 1974

(b) 24th January, 1974

(c) 25th January, 1974

(d) 1st April, 1974

**137. The main characteristic of the new Code of Criminal Procedure, 1973 is:**

(a) The separation of the Legislature from the Executive

(b) The separation of the Judiciary from the Executive

(c) The separation of the Revenue work from the Executive

(d) To provide judicial powers to the Executive Magistrates

**138. In a cognizable offence a police officer:**

(a) May arrest an accused without warrant

(b) Cannot arrest an accused without warrant

(c) Is not required to produce the accused before a Magistrate

(d) Can keep the accused in police custody without a remand order

**139. Who amongst the following is not entitled for maintenance under Section 125 of the Code of Criminal Procedure, 1973?**

(a) Illegitimate minor child

- (b) Divorced wife
- (c) Uterine brother
- (d) Father

**140. Provision regarding anticipatory bail is given in the Code of Criminal Procedure, 1973 under:**

- (a) Section 439
- (b) Section 438
- (c) Section 437
- (d) Section 436

**141. Which one of the following sections of the Code of Criminal Procedure, 1973 deals with the provision that no appeal lies in petty cases?**

- (a) Section 376
- (b) Section 377
- (c) Section 375
- (d) Section 378

**142. Which section of the Code of Criminal Procedure, 1973 empowers High Court to confirm a sentence of death passed by a Court of Session?**

- (a) Section 366
- (b) Section 367
- (c) Section 368
- (d) Section 370

**143. Which section of the Code of Criminal Procedure, 1973 deals with the inherent powers of the High Court?**

- (a) Section 483
- (b) Section 480
- (c) Section 481
- (d) Section 482

**144. Where, in a trial before the Court of Session, the accused is not represented a pleader, and where it appears to the court that the accused has not sufficient means to engage a pleader, the court shall assign a pleader for his defence at expense of the State in the Code of Criminal Procedure, 1973 under:**

- (a) Section 302
- (b) Section 303
- (c) Section 304
- (d) Section 404

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**145. Which section of the Code of Criminal Procedure, 1973 deals with the power of Sessions Judge to transfer cases and appeals?**

- (a) Section 408
- (b) Section 409
- (c) Section 406
- (d) Section 407

**146. In the Code of Criminal Procedure, 1973 Assistant Public Prosecutors are appointed by the State Government for conducting prosecutions in the Courts of Magistrates under:**

- (a) Section 20
- (b) Section 21
- (c) Section 24
- (d) Section 25

**147. In which one of the following cases the Supreme Court has held that a married daughter with independent sufficient means of her own is liable to maintain her father or mother under section 125 of the Code of Criminal Procedure, 1973?**

- (a) *Sundeep Chaudhary v. Radha Chaudhary*
- (b) *Vijay Manohar Arbat v. Kashi Rao Rajaram Sawai*
- (c) *Rewati Bal v. Jogeshwar*
- (d) *K.V. Rudraiah v B.S. Mudda Gangamma*

**148. "Summons Case" means a case relating to an offence, punishable with:**

- (a) Death
- (b) Imprisonment for life
- (c) Imprisonment for a term exceeding two years
- (d) Imprisonment for a term not exceeding two years

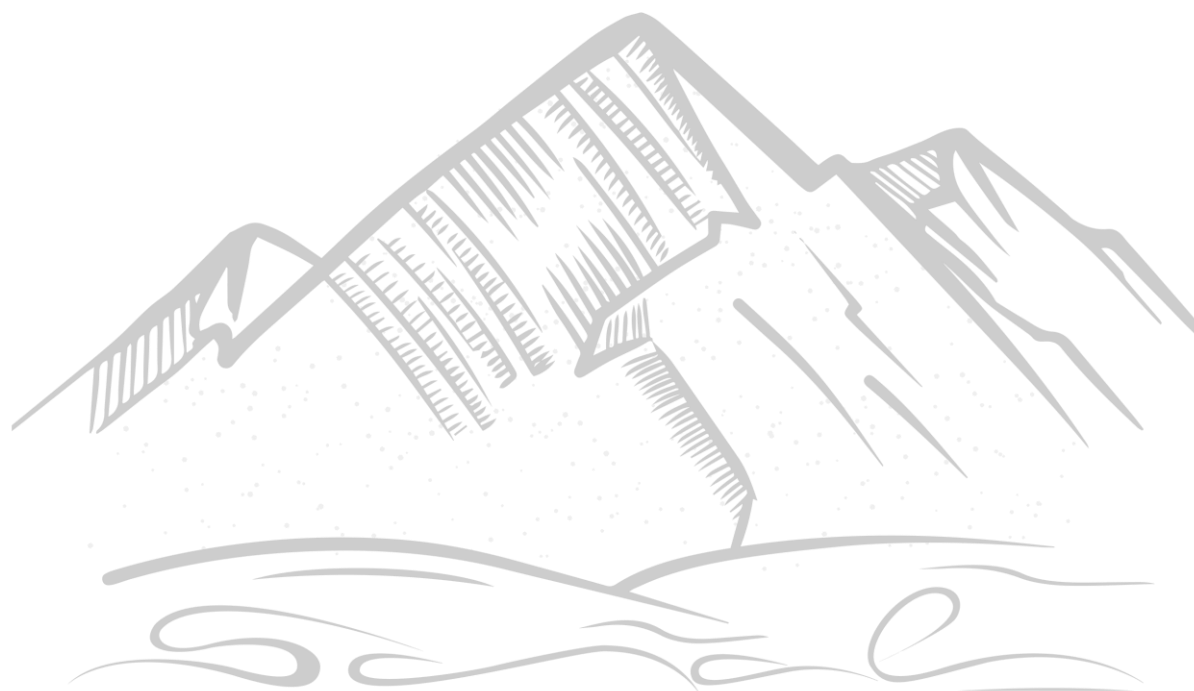
**149. The Court of a Chief Judicial Magistrate empowered to pass a sentence of:**

- (a) Imprisonment for seven years
- (b) Imprisonment for eight years
- (c) Imprisonment for ten years.
- (d) Death or imprisonment for life

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**150. The Court of Magistrate of the Second class is empowered to pass a sentence: imprisonment for a term not exceeding:**

- (a) Seven years
- (b) Three years
- (c) Two years
- (d) One years



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