

HIMACHAL PRADESH JUDICIAL SERVICE **PRELIMINARY EXAM 2009**

1. Duty under the Indian Stamp Act, in case of policy of fire insurance, is payable by:

- (a) The person issuing the policy
- (b) The person effecting the insurance**
- (c) Jointly by the person issuing the policy And the person effecting the insurance
- (d) None of the above

2. Duty under the Indian Stamp Act, in case of a lease, is payable by:

- (a) The lessor
- (b) The lessee**
- (c) The lessor and lessee equally
- (d) None of the above

3. Who prescribe the rate of exchanges for the conversion of foreign currency into the currency of India for the purpose of calculating stamp duty:

- (a) President of India
- (b) Reserve Bank of India
- (c) Central Government**
- (d) World Bank

4. The penalty may be recovered, in case any instrument not duly stamped as per the Indian Stamp Act, by:

- (a) State Government
- (b) Collector**
- (c) Central Government
- (d) District Courts

5. Which maxim denote the purpose of "res judicata".

- (a) Interest rublicae ut sit finis litum
- (b) Nemo debet lis vexari pro una et eadem
- (c) Res-judicata pro veritate occipiture
- (d) All of the above**

From Student to Lawyer to Judge

6. The plaint shall be rejected:

- (a) if it does not disclose a cause of action
- (b) where suit appears to be barred by any law
- (c) where it is not filed in duplicate
- (d) all the above

7. The provisions relating to particulars of the written statement and counter claim is in:

- (a) Order 8 of Code of Civil Procedure
- (b) Order 9 of Code of Civil Procedure
- (c) Order 10 of Code of Civil Procedure
- (d) Order 11 of Code of Civil Procedure

8. Largest order of Code of Civil Procedure is:

- (a) Order 19
- (b) Order 21
- (c) Order 41
- (d) Order 45

9. The doctrine of constructive res judicata is explained in:

- (a) Section 11, Explanation III of Code of Civil Procedure
- (b) Section 11, Explanation IV of Code of Civil Procedure
- (c) Section 11, Explanation IV of Code of Civil Procedure
- (d) Section 11, Explanation VI of Code of Civil Procedure

10. Under the provisions of the Code of Civil Procedure, the court has no inherent jurisdiction.

- (a) To restore a suit dismissed for non- payment of court fees
- (b) To restore an election petition dismissed for default
- (c) To consolidate suits based on different claims
- (d) All the above

11. No evidence is required to be pleaded in:

- (a) Written statement
- (b) Writ petition
- (c) Counter affidavit

From Student to Lawyer to Judge

(d) All of the above

12. No Second appeal shall lie from any decree when the subject matter of the original suit is for recovery of money not exceeding:

(a) Rs. 15000/-

(b) Rs. 20000/-

(c) Rs. 25000/-

(d) Rs. 30000/-

13. Code of Civil Procedure contains

(a) 50 Orders

(b) 51 Orders

(c) 52 Orders

(d) 53 Orders

14. The provisions relating to particulars of the written statement and counter claim is in:

(a) 15 days after the issue are settled

(b) 30 days after the issue are settled

(c) 45 days after the issue are settled

(d) 90 days after the issue are settled

15. Revisional jurisdiction of the High Court arises when the subordinate court:

(a) exercised a jurisdiction not vested in it by law

(b) failed to exercise a jurisdiction vested in it by law

(c) acted in the exercise of its jurisdiction illegally

(d) all the above

16. Name the provision of the Code of Civil Procedure inserted by the Amendment Act, 1999, the object of which is to promote alternate method of dispute resolution:

(a) Section 89

(b) Section 144

(c) Section 152

(d) Section 158

17. The Order 38 of the Code of Civil Procedure deals with:

(a) Inter-pleader suit

(b) Summary procedure

(c) Arrest & attachment before judgment

(d) Temporary injunctions

18. The Order of the Code of Civil Procedure which prescribe the consequence of disobedience or breach of injunction granted by the court:

(a) Order 39, Rule 1

(b) Order 39, Rule 2

(c) Order 39, Rule 2A

(d) Order 39, Rule 3

19. Which order of the Code of Civil Procedure provides detained rules regarding judgment and decree':

(a) Order 19

(b) Order 20

(c) Order 21

(d) Order 22

20. 'Reference under the Code of Civil Procedure may be made to:

(a) the Supreme Court

(b) the High Court

(c) the District Judge

(d) none of the above

21. The Indian Evidence Act, 1872 is not exhaustive. Many rules relating to law of evidence are contained in:

(a) Code of Civil Procedure, 1908

(b) Transfer of Property Act, 1882

(c) Indian Succession Act, 1925

(d) All the above

22. A fact is conclusive proof of another fact. If that fact is proved than:

(a) the court can all upon a partly to prove another fact.

(b) the court can allow opposite party to adduce the evidence to disprove another fact

(c) both (A) and (B)

(d) the court shall regards another fact as proved

23. A man is alive unless nothing has been heard about him for seven years:

(a) It is presumption of law

(b) It is natural presumption

- (c) It is presumption of fact
- (d) None of the above

24. By Information Technology Act. 2000, amendment made in:

- (a) Section 17 of the Indian Evidence Act
- (b) Section 34 of the Indian Evidence Act
- (c) Section 35 of the Indian Evidence Act
- (d) All the above

25. The plea of "Alibi" is established by:

- (a) Prosecution
- (b) Accused
- (c) Either by prosecution or by accused
- (d) None of the above

26. A person is prosecuted for theft. evidence is sought to be produced to prove that the accused is a bad character and suspect of theft on several occasions in the past:

- (a) bad character is relevant
- (b) the evidence was admissible
- (c) the evidence was not admissible
- (d) none of the above

27. 'A' agrees to sell to 'B' his white horse in writing. 'A' has two white horses and it become uncertain as to which horse was sold. Here in the document there is:

- (a) patent ambiguity
- (b) latent ambiguity
- (c) no ambiguity
- (d) none of the above

28. Estoppel is:

- (a) rule of evidence
- (b) used as defence
- (c) rule of equity
- (d) all the above

29. Facts judicially noticeable:

- (a) May be evidence

From Student to Lawyer to Judge

(b) Need not be proved

(c) Need to be proved

(d) None of the above

30. The Indian Evidence Act, 1872 applies to:

(a) Proceedings under Administrative Tribunal

(b) Proceedings under the Commission of Inquiry Act, 1952

(c) Proceedings before Industrial Tribunals

(d) None of the above

31. A deaf-mute's evidence made by writing in open court, shall be deemed to be:

(a) Documentary evidence

(b) Hearsay evidence

(c) Oral evidence

(d) Primary evidence

32. An admission is a statement that may be:

(a) In oral form only

(b) In documentary form only

(c) In electronic form only

(d) All the above

33. For the admissibility of a dying declaration, it is not necessary that the statement:

(a) Related to cause of death

(b) The person making the statement must be under expectation of death

(c) The person making the statement must be competent

(d) The statement must be complete

34. Under Section 122 of the Indian Evidence Act, privilege is available to:

(a) Judges and magistrates

(b) Husband and wife

(c) Professionals

(d) None of the above

From Student to Lawyer to Judge

35. Exception to the rule 'hearsay evidence is not admissible', is laid down in the Indian Evidence Act:

- (a) Section 29
- (b) Section 30
- (c) Section 31
- (d) Section 32**

36. The contents of documents may be proved by:

- (a) Direct evidence only
- (b) Indirect evidence only
- (c) Direct evidence & indirect evidence**
- (d) None of the above

37. The basis of specific relief is:

- (a) Law of equity only**
- (b) Common law
- (c) Roman law
- (d) All of the above

38. Suit for dispossession of immovable property under Section 6 of the Specific Relief Act, 1963 should be brought:

- (a) Within one year from dispossession
- (b) Within six months from dispossession**
- (c) Within three months from dispossession
- (d) Within three years from dispossession

39. The instrument may be rectified if:

- (a) Misrepresentation by a party
- (b) Undue influence by a party
- (c) Mutual mistakes of parties**
- (d) In all the above

40. Specific performance of any contract is granted:

- (a) If provided in the contract
- (b) If the contract is in its nature determinable
- (c) At the discretion of the court**

(d) In all the above

41. Rescission of contract may be allowed if:

- (a) Where the contract is voidable at the instance of the plaintiff
- (b) When the contract is void
- (c) Where the third party acquire the interest in the contract in good faith
- (d) All of the above

42. Section 31 of the Specific Relief Act 1963 is related to:

- (a) Rescission of contract
- (b) Cancellation of instruments
- (c) Declaratory decrees
- (d) Perpetual injunctions

43. Ground for refusing specific performance of contract:

- (a) When compensation is an adequate relief
- (b) When contract depends upon person qualification of the party
- (c) Contract requires constant supervision by the court
- (d) All of the above

44. Mandatory injunction is granted under Specific Relief Act in:

- (a) Section 37
- (b) Section 38
- (c) Section 39
- (d) Section 41

45. Power to make rules for the purpose of carrying into effect the provision of the Himachal Pradesh Court Act, 1976 is on:

- (a) High Court
- (b) Governor
- (c) State legislature
- (d) Supreme Court of India

46. Classes of subordinate civil courts in Himachal Pradesh Courts Act. 1976 are:

- (a) Six
- (b) Five
- (c) Four

From Student to Lawyer to Judge

(d) Three

47. 'Bill of Exchange' is defined in:

(a) Indian Stamp Act

(b) Negotiable Instrument Act

(c) Indian Contract Act

(d) Indian Companies Act

48. The Indian Stamp Act, 1899 came into force on:

(a) 26th January, 1899

(b) 27 January, 1899

(c) 1 July, 1899

(d) 10 July, 1899

49. The power of Collector to certify that full duty chargeable is paid on instrument is contained in:

(a) Section 32 of the Indian Stamp Act

(b) Section 31 of the Indian Stamp Act

(c) Section 30 of the Indian Stamp Act

(d) Section 29 of the Indian Stamp Act

50. To carry out the purpose of the Indian Stamp Act, 1899 the rules may be by:

(a) Government of India

(b) State Government

(c) Parliament

(d) State Legislature

51. Where the mortgagor binds himself to repay the mortgage-money on a certain date and transfer the mortgaged property absolutely to the mortgagee subject to condition that the mortgagee will re-transfer it to the mortgagor upon payment of the mortgage-money, the transaction is called-

(a) Simple mortgage

(b) Usufructuary mortgage

(c) English mortgage

(d) Anomalous mortgage

From Student to Lawyer to Judge

52. A gifts Rs. 5 lakh to B, reserving to himself, with B's assent, the right to take back at leisure Rs. 1 lakh. Which one of the following is correct.

- (a) The gift is void in its entirety
- (b) The gift is valid upto Rs. 4 lakh**
- (c) The gift is said to be revoked
- (d) The gift takes effect after A's life time

53. Which of the following is transferable under the Transfer of Property Act, 1882?

- (a) A mere right to sue
- (b) A decree of a court for mesne profits
- (c) Political pension
- (d) None of the above**

54. Section 21 of the Transfer of Property Act, 1882 contains provisions relating to

- (a) Contingent interest**
- (b) Conditional transfer
- (c) Transfer to unborn person
- (d) None of the above

55. Which of the following would be a valid Transfer of Property Act 1882?

- (a) A lets a farm to B on condition that he shall walk a hundred miles in an hour
- (b) A given Rs. 500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead
- (c) A transfer Rs. 500 to B on condition that she shall murder C
- (d) A transfer Rs. 5000 B on condition that he shall marry with the consent of C, D and E. E dies, B marries with the consent of C and D**

56. The Transfer of Property Act, 1882 has on application to transfer of property where-

- (a) It takes place by operation of law**
- (b) It takes place by act of parties
- (c) It is inter vivos transfer
- (d) None of the above

From Student to Lawyer to Judge

57. Which of the following is not a ground for eviction of a tenant under the Himachal Urban Rent Control Act, 1987?

- (a) Non-payment of rent
- (b) Change in user of premises
- (c) Requirement for landlord's son to use the premises as office as a lawyer
- (d) None of the above**

58. Which of the following is not a non- residential building under the Himachal Pradesh Urban Rent Control Act, 1987?

- (a) A building used for the purpose of trade
- (b) A building let out for residential and non- residential purpose, separately to more than one person, the portion thereof let out for the purposes of residence**
- (c) A building used for the purpose of business
- (d) A building used partly for the purpose of trade and partly for the purpose of residence of the trader

59. Match List-I with List-II and select the correct answer by using the codes given below the lists:

List-I

- (A) Kailash Chand v. Dharm Dass**
- (B) Ram Saran v. Pyare Lal**
- (C) Dewan Chand Bhalla v. Dr Ashok Kumar Bhalla**
- (D) Narinder Kumar v. Ramesh Kumar**

List-II

- (i) bonafide requirement**
- (ii) surrender of govt. premises**
- iii) statutory tenant**
- (iv) unauthorized sub-tenant**

Codes

- | | A | B | C | D |
|------------|-------------|--------------|-------------|------------|
| (a) | (i) | (iv) | (ii) | (iii) |
| (b) | (i) | (ii) | (iv) | (iii) |
| (c) | (ii) | (iii) | (iv) | (i) |
| (d) | (i) | (ii) | (iii) | (iv) |

From Student to Lawyer to Judge

60. Which of the following statements is not correct in respect of the provisions of the Himachal Pradesh Urban Rent Control Act, 1987?

- (a) The tenant shall pay rent within the time fixed by contract or by the 15th of the month next following the months next following the month for which it is payable
- (b) The tenant may deposit the rent with the Controller without first rendering it to the landlord**
- (c) The tenant shall deposit the rent with the Controller without first tendering it to the landlord
- (d) The tenant shall deposit the rent with the Controller without 21 days of the time referred to in section-20 for the payment of the rent
- (e) On an application made by the landlord for withdrawal of the rent deposited with him, the Controller shall order the amount to be paid to him in the prescribed manner

61. Which of the following sections of the Himachal Pradesh Urban Rent Control Act, 1987 imposes on the landlord duty to keep the building or rented land in good repairs?

- (a) Section 11
- (b) Section 12
- (c) Section 13**
- (d) None of these

62. Section 4 of the Himachal Pradesh Urban Rent Control Act, 1987 contains provisions relating to-

- (a) Revision of fair rent
- (b) Determination of fair rent**
- (c) Increase in fair rent
- (d) None of the above

63. The term "tenant" within the meaning of Section-2 of the Himachal Pradesh Urban Rent Control Act, 1987 does not include-

- (a) Surviving spouse of the deceased tenant not living in the premises with the tenant at the time of his death**
- (b) Parents of the deceased tenant living with him at the time of his death
- (c) Son of the deceased tenant living with him at the time of his death
- (d) Daughter-in-law, being widow of the predeceased son of the tenant living with the tenant at the time of his death

From Student to Lawyer to Judge

64. The Himachal Pradesh Urban Rent Control Act, 1987 extends to-

- (a) Any area administered by a municipal
- (b) Any area administered by a notified area committee
- (c) Any area administered by a cantonment board
- (d) All the above

65. A person employed by, and acting under the control of, the original agent. in the business of the agency is a-

- (a) Sub-agent
- (b) Substituted agent
- (c) Pretended agent
- (d) None of the above

66. Which of the following is not correct under the Indian Contract Act, 1872?

- (a) The suggestion, as a fact, of that which is not true, by a party to contract, who does not believe it to be true is fraud.
- (b) Active concealment of a fact by a party to contract, having knowledge or belief of the fact is misrepresentation
- (c) the positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to true is misrepresentation.
- (d) A fraud which did not cause the consent to a contract of the party on whom such fraud was practiced, does not render a contract voidable.

67. Under the Indian Contract Act, 1872, in which of the following cases, the presumption of agents personal liability does not arise?

- (a) Where an agent contracts for a merchant resident abroad
- (b) Where the agent does not disclose the name of his principle
- (c) Where the principle, though disclosed. cannot be used
- (d) Where the agent contracts with a party who knows that the principle is a minor
Section 230.

68. Which section of the Himachal Pradesh Urban Rent Control Act, 1987 contains condition for conversion of a residential building into a non residential building?

- (a) Section-11
- (b) Section-12
- (c) Section-13
- (d) None of these

From Student to Lawyer to Judge

69. The maximum penalty, which can be imposed under the Himachal Pradesh Urban Rent Control Act, 1987, for contravention of any of the provisions of section 7(a) or section 8, is-

- (a) Fine which may extend to Rs. 1000/-
- (b) Imprisonment for 2 years only
- (c) Imprisonment for two years and fine**
- (d) As determined by the Magistrate 1 Class

70. Section 81 of the Transfer of Property Act, 1882 contains provisions relating to-

- (a) Marshalling of securities**
- (b) Contribution to mortgage-debt
- (c) Subrogation
- (d) Tacking of securities

71. The term "contract" is defined in the following section of the Indian Contract Act, 1872-

- (a) Section 2 (a)
- (b) Section 2(h)**
- (c) Section 2 (l)
- (d) Section 10

72. Match list I with list II and select the correct answer by using the codes given below the lists.

List-I

- (A) Lalman Shukha v. Gauri Dutt**
- (B) Tweddle v. Atkinson**
- (C) Balfour v. Balfour**
- (D) Khan Gul v. Lakha Singh**

List-II

- (i) Restitution**
- (ii) Privity of contract**
- (iii) Intention to contract**
- (iv) General offer**

- (a) Shukla v. Exp. Lalman Gauri Dutt-General offer
- (b) Tweddle v. Atkinson-Privity of contract
- (c) Balfour v. Balfour Intention to contract

(d) Khan gul v. Lakha singh-Restitution

73. An agreement not to raise the plea of limitation is-

(a) Valid and binding

(b) Voidable

(c) Void

(d) Illegal

74. The case Nash v. Inman (1908) 2KBI related to-

(a) Consent

(b) Necessaries

(c) Unlawful agreements

(d) None of the above

75. In Carlill v. Carbolic Smoke Ball Co. (1892) 2 GB 484, the court ruled-

(a) That an offer made to public at large is a nadun pactum

(b) That a general offer is no offer

(c) That an offer can be made only to a particular person

(d) An offer need not be made to an ascertained person

76. The theory on which quasi-contractual obligations are based is to prevent unjust enrichment. Who is considered to be the real founder of this theory?

(a) Lord Mansfield

(b) Lord Wright

(c) Anson

(d) Lord Radcliffe

77. Which of the following sections of the Indian Contract Act, 1872 imposes on a person, who sues for damages, a duty to mitigate the loss consequent upon the breach of contract?

(a) Section 72

(b) Section 73

(c) Section 74

(d) Section 75

78. Which is not a ground for seeking divorce under the Hindu Marriage Act, 1955?

(a) Cruelty

(b) Desertion

From Student to Lawyer to Judge

(c) Unsoundness of mind

(d) Irretrievable breakdown of marriage

79. Match list I with list II and select the correct answer using codes given below the lists:

List-I

(A) Githa Hariharan v. Reserve Bank of India

(B) Kartar Singh through Bachan Singh v. Surjan Singh

(C) Naveen Kohli v. Neelu Kohli

(D) A Jaychandra v. Aneel Kaur

List-II

(i) Adoption

(ii) Guardianship

(iii) Cruelty explained

(iv) Irretrievable breakdown of Marriage recommended

Codes

	A	B	C	D
(a)	ii	i	iv	iii
(b)	i	ii	iii	iv
(c)	ii	i	iv	iii
(d)	i	ii	iv	iii

80. In "Bipin Chandra v. Prabhavati", AIR 1957 SC 176, the Supreme Court explained-

(a) The concept of cruelty.

(b) The institution of marriage.

(c) The concept to desertion

(d) The concept of adultery as applicable under the Hindu Marriage Act, 1955

81. For the purposes of Section 9(3) of the Hindu Adoption and Maintenance Act, 1956, "mother" does not include-

(a) A widowed mother

(b) A divorced mother

(c) A step mother

(d) A mother living separately under the decree of court

From Student to Lawyer to Judge

82. Section 26 of the Hindu Marriage Act, 1955 as amended by the Hindu Marriage (Amended) Act, 1964, deals with-

- (a) Custody of children
- (b) Disposal of property
- (c) Maintenance pendent lite
- (d) Permanent alimony

83. In which of the following decisions. the constitutional validity of Section 9 of the Hindu Marriage Act, 1955, was upheld by the Supreme Court?

- (a) T. Sareetha v. Venkata Subhaiah
- (b) Saroj Rano v. Sudarshan Kumar
- (c) Smt. Harvinder Kaur v. Harvinder Singh
- (d) Payal Sharma v. Supdt. Nari Niketan

84. As a result of the changes introduced by the Hindu Succession (Amendment) Act, 2005 the daughter of a coparcener in a Joint Hindu Family, governed by the Mitakshara Law, becomes a coparcener-

- (a) Wef 17-06-1956
- (b) Wef 09-09-2005
- (c) Wef 20-12-2004
- (d) From the day, she was born

85. A male Hindu, having more than one wives living. at the time of making adoption, may adopt a son-

- (a) With the consent of all his wives
- (b) With the consent of either of the wives
- (c) With the consent of his wife senior most in marriage
- (d) Without the consent of a wife suffering from diabetes

86. The general rules of succession in the case of female Hindus are contained in-

- (a) Section 9 of the Hindu Succession Act, 1956
- (b) Section 10 of the Hindu Succession Act, 1956
- (c) Section 14 of the Hindu Succession Act, 1956
- (d) Section 15 of the Hindu Succession Act, 1956

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87. Which provision of the Hindu Succession Act, 1956, disqualifies a Hindu to inherit property of the person whom he is convicted of murder?

- (a) Section 21
- (b) Section 23
- (c) Section 25
- (d) Section 27

88. Which provision of the Hindu Adoption and Maintenance Act, 1956 expressly saves the custom regarding the adoption of a married person?

- (a) Section 10 (ii)
- (b) Section 10 (iii)
- (c) Section 10 (iv)
- (d) None of these

89. Section 3 of the Limitation Act, 1963, does not apply to-

- (a) Suits
- (b) Appeals
- (c) Application for leave to sue as a pauper
- (d) Execution proceedings

90. Section 5 of the Limitation Act, 1963 applies to-

- (a) Suits
- (b) Election petitions
- (c) Appeals
- (d) None of these

91. Disability for the purpose of Section 6 (1) the, Limitation Act, 1963, does not mean disability arising because of-

- (a) Minority
- (b) Insolvency
- (c) Insanity
- (d) Idiocy

92. Section 13 of the Limitation Act. 1963, applies in case of

- (a) A pauper
- (b) A minor
- (c) An idiot
- (d) An insane

From Student to Lawyer to Judge

93. Under Section 14 of the Limitation Act, 1963, defect of jurisdiction must relate to-

- (a) Territorial jurisdiction
- (b) Pecuniary jurisdiction
- (c) Subject-matter jurisdiction
- (d) Any of the above**

94. Section 15 of the Limitation Act, 1963 does not apply to-

- (a) Suits
- (b) Appeals**
- (c) Execution proceedings
- (d) None of the above

95. Period of limitation for setting aside an ex-parte decree is-

- (a) 30 days**
- (b) 60 days
- (c) 90 days
- (d) 15 days

96. Provision for condonation of delay, on the ground of sufficient cause is dealt with under-

- (a) Section 5 of the Limitation Act, 1963**
- (b) Section 8 of the Limitation Act, 1963
- (c) Section 12 of the Limitation Act, 1963
- (d) Section 18 of the Limitation Act, 1963

97. Section 22 of the Limitation Act, 1963 is not applicable in-

- (a) Case of a continuing tort
- (b) Case of a continuing breach of contract
- (c) Case of a suit for damages for wrongful detention of goods**
- (d) None of the above

98. A transferred his property to B in 1980 with a direction that the income arising out of the property was to be accumulated till 2010 (i.e. for 30 yrs). A died in 1955. The direction for accumulation would be valid-

- (a) Till 1995**
- (b) Till 1998
- (c) Till 2010

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(d) Till the lifetime of B

99. Match list-I with list-II and select the correct answer by using the codes given below the list;

List-I

- (a) Krishnamurthy S.Setlur v. O.V. Narasimha the Limitation Act**
- (b) Ram Nath Sao v. Gobardhan Sao**
- (c) Sankar Dastidar v. Banjula Dastidar**
- (d) Tilak Ram v. Nathu**

List-II

- (i) Adverse Possession (Section-27**
- (ii) Sufficient cause (Section-5, the Limitation Act)**
- (iii) Continuing tort (Section-22, the Limitation Act)**
- (iv) Acknowledgement (Section-18. the Limitation Act)**

Codes:

	A	B	C	D
(a)	(i)	(ii)	(iii)	(iv)
(b)	(iii)	(iv)	(i)	(iv)
(c)	(i)	(ii)	(iv)	(iii)
(d)	(ii)	(iii)	(iv)	(i)

100. Match list-I with list-II and select the correct answer by using the codes given below the lists:

List-I

- (A) Musahar Sahu v. Lal Hakim Lal**
- (B) Maddison v. Alderson**
- (C) Ram Coomar v. Mec Queen**
- (D) Mst. Dhanpatti v. Devi Prasad**

List-II

- (i) Part performance (Section 53-A, TPA. 1882)**
- (ii) Transfer by ostensible owner**
- (iii) Doctrine election**
- (iv) Fraudulent Transfer**

From Student to Lawyer to Judge

Codes:

- | | A | B | C | D |
|-----|------|-------|-------|-------|
| (a) | (i) | (ii) | (iii) | (iv) |
| (b) | (iv) | (i) | (ii) | (iii) |
| (c) | (i) | (iii) | (iv) | (ii) |
| (d) | (iv) | (i) | (iii) | (ii) |

101. 'Country liquor' and 'Foreign Liquor' are defined under Excise Act:..

- (a) Section-2 (14)
- (b) Section-3
- (c) Section-4
- (d) Section-5

102. An excise officer not below such rank as the state government may prescribe has the power:

- (a) To enter and inspect at any time by day or by night, any place in which any licensed manufacture carrier on the manufacture of or store any intoxicant
- (b) To examine accounts and registers, test measure or weigh any material, stills utensils, implements, apparatus or Intoxicant found in that place
- (c) All of the above
- (d) None of the above

103. Choose the correct one: Subject to certain restrictions as the state government may prescribe, the authority granting any license permit or pass under the Excise Act may cancel or suspend it-

- (a) At will, if the conditions of license or permit provide for such cancellation or suspension
- (b) If any duty or fee payable by the holder thereof ne not duly paid
- (c) If it is transferred or sublet by the holder thereof without the permission of the said authority
- (d) All of the above are correct

104. Which activity is prohibited in the reserved forests?

- (a) Clearing of forests for cultivation or for any other purpose
- (b) Kindling keeping or carrying any fire
- (c) Clearing or breaking up any land for cultivation or for any other purposed
- (d) All the above

105. Which section of the Indian Forest Act. 1927 provides for concept of village forest?

- (a) Section 26
- (b) Section 27
- (c) Section 28
- (d) Section 30

106. The Indian Forest Act, 1927 consists of-

- (a) 76 sections and XI chapters
- (b) 86 sections and XIII chapters
- (c) 60 sections and XII chapters
- (d) 89 section and XIII chapters

107. In which case Section 42 was challenged before the Supreme Court on the basis of freedom of trade and commerce?

- (a) Yaswant Sone Workers v. State of U.P
- (b) State of Tripura v. Sudhir Ranjan Nath
- (c) Banwari Seva Ashram v. State of U.P
- (d) Ambica Quarry Works v. State of Gujrat

108. No wife shall be entitled to receive maintenance from her husband under section 125 of Cr.P.C. if :

- (a) She is unable to maintain herself
- (b) She has obtained divorce from her husband and has not remarried
- (c) She refused to live with her husband on the ground that he keeps a mistress
- (d) She is living in 'adultery'

109. The maxim term of imprisonment awardable in a 'Summary Trial' is:

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

110. 'Warrant case' means a case:

- (a) In which a police officer can arrest without warrant
- (b) On which case the court in the first instance, shall issue a warrant of arrest against the accused
- (c) Relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years
- (d) Relating to an offence punishable with death, imprisonment for a term not exceeding two years

111. When can a trial court release an accused on bail under section 389(3) of Cr.P.C after conviction?

- (a) Where accused is on bail and imprisonment is not exceeding 3 years
- (b) Where accused is on bail and imprisonment is not exceeding 5 years
- (c) Where accused is on bail and Imprisonment is not exceeding 7 years
- (d) Where offence is exclusively bailable whether accused is on bail or not

112. Point out the incorrect response under the Cr.P.C?

- (a) Inquiry is conducted by a court
- (b) Inquiry is conducted after framing the charge
- (c) Inquiry is conducted prior to framing of charge
- (d) Inquiry is conducted by a Magistrate

113. In which of the following cases it was held by the Supreme Court that section of Cr.P.C. was application to all irrespective of their religion?

- (a) Mohd. Uman Khan v. Gulshan Begum
- (b) Mohd. Amhed Khan v. Shah Bano
- (c) Subana Alias Saira Banu v. A.M.Abdul Gafoor
- (d) Sirajmohamad Khan v. Hafizunissa Yaseen Khan

114. Under Section 29 of the Cr.P.C. the second class Magistrate cannot pass sentence upto-

- (a) 01 year
- (b) 02 years
- (c) 03 years
- (d) All of the above

115. For invoking section 133 of Cr.P.C. where should be the inconvenience or invasion on-

- (a) Public rights
- (b) Public place
- (c) Private place or private person
- (d) All of these

116. Which of the following offence cannot be summarily tried?

- (a) Grievous hurt
- (b) Theft when the value of stolen property is below Rs. 200/-
- (c) Offences relating to Section 454 and 456 of the IPC

(d) Offences of abetment of the offences enumerated under Section 260(vii) of Cr.PC

117. Under section 198 of Cr.P.C the court can take cognizance of any offence laid down under section 497 and 498 of the IPC on the complaint of-

(a) Husband of the woman

(b) Father of the woman

(c) Mother of the woman

(d) Any of these

118. Who is authorized for removal of public nuisance?

(a) Executive Magistrate

(b) Judicial Magistrate 2nd Class

(c) Judicial Magistrate 1 Class

(d) District & Session Judge

119. In relation to F.I.R., which of the following statement is not correct?

(a) It is not a substantive evidence

(b) It cannot be used as a previous statement for any purpose

(c) It merely marks the beginning of the investigation

(d) The informant needs not be an eye witness

120. Which of the following cannot claim maintenance under section 125 of Cr.P.C?

(a) Wife who cannot maintain herself

(b) Major married daughter who cannot

(c) Mother or father who cannot maintain herself or himself

(d) Minor illegitimate daughter who cannot maintain herself

121. In order that an act should be punishable it must be morally blameworthy. It must be a sin. Which of the following made this observation?

(a) Salmond

(b) Justice Krishan Iyer

(c) Lord Denning

(d) Stephen

122. The draft of the IPC was prepared by:

(a) Dr. Harisingh Gaur

(b) Lord Macaulay

(c) D.F.Mulla

(d) Kenny

123. 'A' instigates 'B' to instigate 'C' to murder 'Z' 'B' accordingly instigates 'C' to murder 'Z' and 'C' commits that offence in consequence of B's instigation. 'A' is:

- (a) Not guilty of any offence
- (b) Not guilty of abetting murder
- (c) Guilty of abetment by conspiracy

(d) Guilty of abetting murder

124. 'A' and 'B' who are cadets in the Indian Air Force take out from the Jodhpur Aerodrome an aircraft, without the authority of the Commandant and fly it away to Pakistan. What offence has been committed by them?

- (a) Theft**
- (b) Criminal breach of trust
- (c) Criminal mis-appropriation
- (d) sedition

125. A workman throws snow from a roof giving warning. A passer-by is killed. The workman is:

- (a) Guilty of murder
- (b) Guilty of culpable homicide not amounting to murder**
- (c) Not guilty since death was accidental
- (d) Guilty of causing death by negligence

126. Which of the following Sections of IPC deals with vicarious liability?

- (a) Section 120-A
- (b) Section 121-C
- (c) Section 154**
- (d) Section 159

127. Assertion (A): Homicide is the killing of a human being by a human being. Reason (R): Homicide is always unlawful.

Codes:

- (a) Both (A) and (R) are true and (R) is the correct explanation of (A)
- (b) Both (A) and (R) are true but (R) is not the correct explanation of (A)
- (c) (A) is true but (R) is false**
- (d) (A) is false but (R) is true

128. 'Common intention' means:

- (a) Similar intention
- (b) Same intention
- (c) Sharing of intention by all persons
- (d) Common plans

129. Which one of the following is not an essential ingredient of the offence of kidnapping under the Indian penal Code?

- (a) Minor child
- (b) Intention of the accused
- (c) Without the consent of lawful guardian
- (d) Out of the keeping of the lawful guardian

130. 'A' cheats by pretending to be 'B' a person who is deceased. 'A' is liable to be punished under:

- (a) Section 420 of IPC
- (b) Section 419 of IPC
- (c) Section 418 of IPC
- (d) Section 417 of IPC

131. by a child under:

- (a) Eight years
- (b) Ten years
- (c) Seven years
- (d) Twelve years

132. The word 'good faith' is defined in the IPC under:

- (a) Section 44
- (b) Section 51
- (c) Section 52
- (d) Section 52-A

133. An executioner who executes the death penalty is protected from criminal liability under:

- (a) Section 97 of IPC
- (b) Section 78 of IPC
- (c) Section 79 of IPC
- (d) Section 80 of IPC

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134. Minimum number of person required to commit an 'Affray' is:

- (a) Five
- (b) Two**
- (c) Ten
- (d) Eleven

135. Which one of the following cases is not related to the principle of joint liability based upon common intention?

- (a) Barendra Kumar Ghosh v. Emperor
- (b) Mahbood Shah v. Emperor
- (c) Reg v. Govinda**
- (d) J.M. Desia v. State of Bombay

136. How many kinds of kidnappings are there in the Indian Penal Code?

- (a) One
- (b) Two**
- (c) Three
- (d) Four

137. Which of the following punishment cannot be awarded under the Indian Penal Code?

- (a) Forfeiture of property
- (b) Rigorous imprisonment
- (c) Transportation for life**
- (d) Death

138. Under IPC which one of the following sections makes provision of solitary confinement?

- (a) Section 71
- (b) Section 72
- (c) Section 73**
- (d) Section 74

139. The essential elements of a crime are:

- (a) Motive, Mens-res and Actus reus
- (b) Motive, intention and knowledge
- (c) Mens rea and Actus reus**
- (d) Knowledge, intention and action

140. A in good faith says of a book published by Z that Z's book is indecent, 2 must be a man of impure mind. Is this defamation punishable under Section 500 of IPC?

- (a) Yes, because the opinion respects Z,s character
- (b) No, because it is a slander
- (c) No, because it falls within one of the exception of Section 499 of IPC
- (d) No, because it has not been repeated

141. Chapter XVII containing Sections 138 to 143 was introduced the Negotiable Instruments Act

- (a) Act 65 of 1988
- (b) Act 66 of 1988
- (c) Act 67 of 1988
- (d) Act 68 of 1988

142. How much time is given for complaint for 'dishonor' of cheque?

- (a) 45 days of intimation of dishonor
- (b) 90 days of intimation of dishonor
- (c) 30 days of intimation of dishonor
- (d) 15 days of intimation of dishonor

143. The offence of 'dishonor' of cheque excludes-

- (a) Strict liability
- (b) Absolute liability
- (c) Mens rea
- (d) All of the above

144. What are the defences available against proceedings under Section 138 of Negotiable Instruments Act?

- (a) Absence of a legally enforceable debt or liability
- (b) Absence of legal notice of 15 days
- (c) Lack of jurisdiction
- (d) All of the above

145. That there must be specified allegation regarding the role played by each of the directors, then only they are liable for prosecution under section 138 of the Negotiable Instruments Act In which of the following cases this statement was made:

- (a) Devi lyers v. Nawab Jan

(b) Y Srelatha v. Mukund Chand Bothra

(c) Tord Engineers India Ltd v. Nagarhuna Finance Ltd

(d) BIPS system Ltd v. State

146. The effect of a notice under clause (b) of section 138 of Negotiable Instruments Act is

(a) The payee forfeits the right to again present the cheque for payment

(b) The payee can present the cheque for payment

(c) The payee can present the cheque with the permission of the court

(d) None of the above

147. The purpose of Wild life (Protection) Act. 1972 is:

(a) To protect the environment

(b) To protect the habitats of wild life

(c) To protect the living creatures as well as woman being live in wild

(d) None of the above

148. Who is the chairman of National Board for wild life?

(a) Prime Minister

(b) President of India

(c) Chief Justice of India

(d) Person appointed by the central government

149. 'Narayan Saroval Chinkgra Sanctuary is in the state of-

(a) Andhra Pradesh

(b) West Bangal

(c) Rajasthan

(d) Gujrat

150. In which case Supreme Court has declared that State government must always consider the rights of tribals before an action is taken to acquire an area and declare-

(a) Animal and Environment Legal Defence Fund v. Union of India

(b) Gujrat Navodaya Mandal v. State

(c) Rajendra Kumar v. Union of India

(d) Pradeep Krishan v. Union of India

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