

HIMACHAL PRADESH JUDICIAL SERVICE
PRELIMINARY EXAM 2013 (I)

1. Identification of the accused, through his photograph is:

- (a) admissible in evidence
- (b) not admissible in evidence
- (c) not relevant in evidence
- (d) none of the above

2. Sections 40 to 44 of the Indian Evidence Act deal with the relevance of:

- (a) Characters
- (b) Opinion of third persons
- (c) Judgements, decree and orders
- (d) Statements made under special circumstances

3. Under the law is evidence, the term 'hearsay' is used with reference to what is:

- (a) done
- (b) written
- (c) spoken
- (d) all of these

4. A fact when it is neither proved nor disproved is said to:

- (a) disproved
- (b) not proved
- (c) may proved
- (d) all of these

5. Which Section of the Indian Evidence Act, 1872 is founded upon the doctrine laid down in 'Pickard v. Sears'?

- (a) Section 6
- (b) Section 32
- (c) Section 115
- (d) Section 167

From Student to Lawyer to Judge

6. Under Section 110 of the Indian Evidence Act, 1872 possession denotes: the term

(a) Actual present possession

(b) Juridical possession

(c) Symbolic possession

(d) All of the above

7. The Criminal Law (Amendment) Act, 2005 amended

(a) Section 73A of the Indian Evidence Act, 1872

(b) Section 154 of the Indian Evidence Act, 1872

(c) Section 22A of the Indian Evidence Act, 1872

(d) Section 47A of the Indian Evidence Act, 1872

8. From presumption an inference may be drawn which may be:

(a) affirmative only

(b) disaffirmative only

(c) affirmative or disaffirmative

(d) none of these

9. Estoppel can be by:

(a) attestation

(b) recital in deed

(c) standing by

(d) all of these

10. Exceptions to the rule against admissibility of hearsay evidence are provided:

(a) Under Section 6 of the Indian Evidence Act, 1872

(b) Under Section 32 of the Indian Evidence Act, 1872

(c) Under Section 34 of the Indian Evidence Act, 1872

(d) All of the above

11. 'Presumption of survivorship' is contained in:

(a) Section 106 of the Indian Evidence Act, 1872

(b) Section 107 of the Indian Evidence Act, 1872

(c) Section 108 of the Indian Evidence Act, 1872

(d) Section 109 of the Indian Evidence Act, 1872

12. Section 114, illustration (g) of the Indian Evidence Act, 1872 refers to the presumption as to:

- (a) common course of business
- (b) arising from withholding evidence
- (c) regarding bill of exchange
- (d) continuity of things

13. Under the Himachal Pradesh Courts Act, 1976 the State Government may fix the number of Civil Judges to be appointed after consultation with the:

- (a) Governor
- (b) High Court
- (c) Central Government
- (d) President of India

14. Under the Himachal Pradesh Courts Act, 1976, who prepares a list of holidays to be observed in each year in Civil Courts?

- (a) State Government
- (b) Central Government
- (c) High Court
- (d) Governor

15. Under the Indian Stamp Act, 1899 'stamp' means any:

- (a) mark
- (b) seal
- (c) endorsement
- (d) all of these

16. Under Section 72 of the Indian Stamp Act, 1899, the offence committed in respect of any instrument may be tried in:

- (a) any district in which such instrument is found
- (b) anywhere in the state
- (c) anywhere in India
- (d) none of the above

17. Under the Indian Stamp Act, 1899, the Government may reduce duties:

- (a) Prospectively only
- (b) Retrospectively only
- (c) Prospectively or retrospectively
- (d) None of the above

From Student to Lawyer to Judge

18. Who prescribes a rate of exchange for the conversion of foreign currency into the currency of India for the purposes of collecting the stamp duty?

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

19. Under the Indian Stamp Act, 1899. an instrument shall be deemed to be unstamped in contravention of:

- (a) Section 10 of the Indian Stamp Act, 1899
- (b) Section 11 of the Indian Stamp Act, 1899
- (c) Section 13 of the Indian Stamp Act, 1899**
- (d) Section 20 of the Indian Stamp Act, 1899

20. Under the Indian Stamp Act, 1899, in the case of lease, the duty is payable by the:

- (a) Lessor
- (b) Lessee**
- (c) Lessor and Lessee
- (d) None of these

21. Section 31 of the Indian Stamp Act, 1899, deals:

- (a) Adjudication as to proper stamp**
- (b) Examination and impounding of instruments
- (c) Special provision as to unstamped receipts
- (d) Admission of improperly stamped instruments

22. The provisions regarding 'Allowances for stamps' are contained in:

- (a) Chapter IV of the Indian Stamp Act, 1899
- (b) Chapter V of the Indian Stamp Act, 1899**
- (c) Chapter VI of the Indian Stamp Act, 1899
- (d) Chapter VII of the Indian Stamp Act, 1899

23. Which Section of the Specific Relief Act, 1963, provides that the 'specific relief to be granted only for enforcing civil rights and not for enforcing penal laws:

- (a) Section 2
- (b) Section 3
- (c) Section 4**

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(d) Section 5

24. Under Section 26 of the Specific Relief Act, 1963 for rectification of instruments on the ground of fraud or mutual mistake, the time limit for discovery of fraud or mutual mistake is:

(a) three months

(b) six months

(c) one year

(d) no time limit is fixed

25. A mandatory injunction in the nature is:

(a) restitutory only

(b) prohibitory only

(c) both restitutory and prohibitory

(d) none of the above

26. An injunction cannot be granted:

(a) When the plaintiff has no personal interest in the matter

(b) To prevent the breach of a contract the performance of which would not be specifically enforced

(c) To prevent a continuing breach in which the plaintiff has acquiesced

(d) All of the above

27. Provisions regarding, 'the persons who may obtain specific performance are specified in:

(a) Section 14 of the Specific Relief Act, 1963

(b) Section 15 of the Specific Relief Act, 1963

(c) Section 16 of the Specific Relief Act, 1963

(d) Section 17 of the Specific Relief Act, 1963

28. The suit for recovery of possession of an immovable property under Section 6 of Specific Reiter Act can be filed against:

(a) A private individual

(b) The Government

(c) Private individual and the Government

(d) None of the above

From Student to Lawyer to Judge

29. An order or decree passed under Section 6 of the Specific Relief Act is:

- (a) appealable
- (b) reviewable
- (c) neither appealable nor reviewable
- (d) appealable and reviewable

30. Section 12(2) of the Specific Relief Act applies where the part which remains unperformed, of the contract is:

- (a) small
- (b) large
- (c) considerable
- (d) all of these

31. Which of the following is not a suit of civil nature?

- (a) suit relating to right of worship
- (b) suit relating to taking out of religious procession
- (c) suit against expulsions from caste
- (d) suit for right to hereditary office

32. Preliminary decree can be passed in a suit for:

- (a) pre-emption
- (b) sale of mortgaged property
- (c) redemption of a mortgage
- (d) all of the above

33. Decision which is not a decree?

- (a) order of abatement of suit
- (b) dismissal of appeal as time barred
- (c) order granting interim relief
- (d) rejection of plaint for non-payment of court fee

34. In the case of 'res sub judice' under Section 10 of the Code of Civil Procedure, the court can:

- (a) pass interim orders
- (b) grant of injunction
- (c) appoint a receiver
- (d) all of the above

35. 'Res judicata' does not apply to:

- (a) between co-plaintiffs
- (b) between co-defendants
- (c) public interest litigation
- (d) writ of habeas corpus

36. Who is not a legal representative?

- (a) Executor
- (b) Reversioner
- (c) Trespasser
- (d) Hindu coparcener

37. Under Section 2(9) of the Code of Civil Procedure 'Judgement' means:

- (a) decree
- (b) order
- (c) statement of grounds of a decree or
- (d) decree and order

38. A court may issue a commission to:

- (a) Make local investigation
- (b) Make partition
- (c) Adjust accounts
- (d) All of the above

39. Which of the following is an incorrect statement?

- (a) In legal set-off the amount claimed must be recoverable at the date of suit, in the case of counter-claim the claimed must be recoverable at the date of filing of written statement
- (b) Set-off cannot exceed plaintiffs claim while the counter-claim can exceed plaintiff's claim
- (c) Set-off cannot exceed the pecuniary, jurisdiction of the court while the counter claim can exceed the pecuniary jurisdiction of the court
- (d) Legal set-off must be for an ascertained sum of money while the counter-claim may be for an unascertained sum of money

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40. In the Code of Civil Procedure, Section 35B added by the Amendment Act of 1976 providing:

- (a) compensatory costs
- (b) costs for causing delay
- (c) general costs
- (d) miscellaneous costs

41. For an interpleader suit' which of the following conditions is not necessary?

- (a) There must be some debt or the property in dispute
- (b) Two or more persons claiming the debt or the property in dispute adversely to one another
- (c) There must be suit pending wherein the rights of rival claimants for the debt or the property in dispute can be properly adjudicated
- (d) All of the above

42. The provisions regarding 'friendly suits' are

- (a) Section 90, Order 36 of the Code of Civil Procedure
- (b) Section 88, Order 35 of the Code of Civil Procedure
- (c) Order 34 of the Code of Civil Procedure
- (d) Order 33 of the Code of Civil Procedure

43. Mark the incorrect statement:

- (a) A decree can only be passed in a suit. while an order may arise from a proceeding commenced by a petition or an application
- (b) A decree is an adjudication conclusively determines the rights of the parties with regard to all or any of the matters in controversy, an order may or may not finally determines such rights
- (c) Both decree and order may be preliminary
- (d) None of the above

44. An order or direction given by the court which passed the decree to a court which would be competent to execute the decree, to attach any property belonging to the judgement debtor, is called:

- (a) precept
- (b) garnishee order
- (c) interlocutory order
- (d) simultaneous execution

From Student to Lawyer to Judge

45. A right of appeal is not a:

- (a) inherent right
- (b) substantive right
- (c) statutory right
- (d) vested right

46. The provision regarding 'summary suits' are in:

- (a) Order 32 of the Code of Civil Procedure
- (b) Order 37 of the Code of Civil Procedure
- (c) Order 28 of the Code of Civil Procedure
- (d) Order 30 of the Code of Civil Procedure

47. Necessity rule regarding the admissibility of evidence is contained in:

- (a) Section 31 of the Indian Evidence Act
- (b) Section 32 of the Indian Evidence Act
- (c) Section 62 of the Indian Evidence Act
- (d) Section 63 of the Indian Evidence Act

48. Facts which are inconsistent with any fact in issue are relevant is basta of:

- (a) plea of 'alib'
- (b) principle of 'res-gestae'
- (c) nihil ad rem
- (d) res integra

49. The conduct to be relevant under Section 8 of the Indian Evidence Act, it:

- (a) must be previous
- (b) must be subsequent
- (c) may be either previous or subsequent
- (d) none of the above

50. Section 31 of the Indian Evidence Act refers to:

- (a) res gestae
- (b) estoppels
- (c) res judicata
- (d) none of these

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

List I

- (a) Fazaluddin v. Panchu Das**
- (b) Ghazaibad Development Authority v. Union of India**
- (c) Union of India v. Radha Kissan Agarwala**
- (d) Lakshmi Amma v. Telengala Narayana Bhatt**

List II

- (i) Undue influence**
- (ii) Contract by performance**
- (iii) Consideration**
- (iv) Breach of Contract of Damages**

- | | (a) | (b) | (c) | (d) |
|-----|-----|-----|-----|-----|
| (a) | i | iii | iv | ii |
| (b) | iii | iv | ii | i |
| (c) | ii | iii | iv | i |
| (d) | iv | ii | i | iii |

52. In which of the following cases, the Supreme Court held that "In order to create a contract, acceptance of an offer and intimation of acceptance by some external manifestation, which the law regards as sufficient is necessary."?

- (a) Fazaluddin v. Panchu Das
- (b) Subhas Chandra Das Musahib v. Ganga Prasad Das
- (c) Jawahar Lal v. Union of India
- (d) Bhagwan Das v. Girdhari Lai & Co.**

53. Match the List I with List II and select the correct answer with the help of codes given below:

List I

- (a) Contingent Contract**
- (b) Wagering Contract**
- (c) Restrain from trade or business**
- (d) Agreement without consideration**

List II

- (i) Section 30, Contract Act**

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(ii) Section 25, Contract Act

(iii) Section 31, Contract Act

(iv) Section 27, Contract Act

Codes:

	(a)	(b)	(c)	(d)
(a)	i	iv	iii	ii
(b)	iii	i	iv	ii
(c)	i	iii	iv	ii
(d)	iv	i	iii	ii

54. Every promise and every set of promises, forming consideration for each other, is an:

- (a) offer
- (b) invitation to offer
- (c) acceptance
- (d) agreement**

55. Which one of the following is correct?

- (a) Past consideration is no consideration
- (b) Consideration can be past, present or future**
- (c) Consideration can only be present
- (d) Consideration can only be present or future

56. When the consent to the contract is caused by coercion, the contract is:

- (a) voidable**
- (b) void
- (c) valid
- (d) illegal

57. Inadequacy of consideration is relevant determining the question of:

- (a) fraud
- (b) misrepresentation
- (c) undue influence
- (d) free consent**

58. In case of default by joint promiser, the promisee:

- (a) can sue any one of them for the entire promise**

- (b) can sue any one of them to the extent of his share in the joint promise
- (c) both (a) and (b)
- (d) cannot sue any single promise

59. Rescission of the contract means:

- (a) the renewal of original contract
- (b) cancellation of contract
- (c) alteration of contract
- (d) substitution of old contract with a new one

60. The law relating to tender of performance laid down in:

- (a) Section 37
- (b) Section 35
- (c) Section 38
- (d) Section 36

61. The Amendment of Transfer of Property Act 1982 in the year 2002 effective from:

- (a) 31st December, 2002
- (b) 1st July, 2002
- (c) 30th October, 2002
- (d) 2nd July, 2002

62. In which of the following case, the Supreme Court held the Doctrine of a clog on the equity of redemption is a rule of justice, equality and good consciences?

- (a) Apte v. Price
- (b) Murari Lai v. Dev Karan
- (c) Banarsi Lat v. Puran Chand
- (d) None of the above

63. The onerous given is dealt in:

- (a) Section 127 TPA
- (b) Section 126 TPA
- (c) Section 125 TPA
- (d) Section 128 TPA

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

List I

- (a) Amiratham Kundumbah
- (b) Asad Ali v. Haider All
- (c) Nagrathnambe v. Ramayya
- (d) Abdul Gaoor v. Abdul Razak

List II

- (i) Spes-Successions
- (ii) Transfer for unlawful purpose
- (iii) Mere right to sue
- (iv) Right of future maintenance

Codes:

- | | (a) | (b) | (c) | (d) |
|-----|-----|-----|-----|-----|
| (a) | ii | iii | i | iv |
| (b) | iii | ii | iv | i |
| (c) | i | iii | iv | ii |
| (d) | iii | iv | ii | i |

65. Assertion (A): Where immovable property of one person is by an act of parties made security for payment of money to another and the transaction does not amount to Mortgage, the later person is said to have a charge on the property.

Reason (R): Any contract in respect of immovable property, of itself, creates a charge on such property.

Codes:

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

66. 'A' says to 'B' that he will give a sum of rupees if B marries his daughter. This Is:

- (a) Vested Right
- (b) Primary Right
- (c) Contingent Right

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(d) None of these

67. Which of the following kinds of Mortgage is not included in Section 58 of the Transfer of Property Act, 1882?

- (a) Usufructuary Mortgage
- (b) Anomalous Mortgage
- (c) Simple Mortgage
- (d) Mortgage by deposit of title deeds

Exp. All options are correct.

68. 'A' makes a gift of a House of B with whom he has past illicit cohabitation. Is this transfer:

- (a) Void
- (b) Valid
- (c) Invalid
- (d) None of these

69. 'A' makes a gift of a House to 'B' with whom he has adulterous relationship with 'B'. This transfer is:

- (a) Valid
- (b) Void
- (c) Invalid
- (d) None of these

70. In which of the following case, the Supreme Court held that "Once the period of lease expires, the relationship of landlord and tenant ceases, and the tenant becomes a trespasser and. therefore, there is no question of service of any notice under Section 106 TPA"?

- (a) Shanti Devi v. Amal Kumar Banjerjee, AIR 1981 SC 1550
- (b) P.C. Cheriyan v. Barfi Devi (1980) 2 SCC 461
- (c) Idandas v. Anant Ramm Chandra Phadke, AIR 1982 SC 127
- (d) None of the above

71. In which year the recent H.P. Urban Rent Control Act (Amendment) has been placed:

- (a) 2007
- (b) 2008
- (c) 2009
- (d) None of these

From Student to Lawyer to Judge

72. The case of 'Madan Mohan & Another v. Krishan Kumar Sood' is related with:

- (a) Section 14
- (b) Section 20
- (c) Section 22
- (d) Section 26

73. Under this Act, no landlord shall claim or receive any rent in excess the:

- (a) Future Rent
- (b) Previous Rent
- (c) Fair Rent
- (d) All of these

74. If any person contravenes any of the provisions of Clause (a) of Section 7 or Section 8, he shall be punishable with imprisonment which may extend to:

- (a) 2 years and with fine
- (b) 2 years only
- (c) Fine only
- (d) None of these

75. A landlord who seeks to evict his tenant shall apply to the:

- (a) Commissioner
- (b) State Governor
- (c) Minister
- (d) Controller

76. Under Section 11, 'essential supply or service includes supply:

- (a) Water
- (b) Electricity
- (c) Sanitation
- (d) All of these

77. Section 17 of H.P.U.R.C. Act relates to:

- (a) Leases of vacant building
- (b) Penalties
- (c) Execution of orders
- (d) Recovery of possession

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Exp. Question 27 is wrongly framed. Section 17 deals with Receipt to be given for rent paid.

78. In the absence of contact, every tenant shall pay rent within/by the:

- (a) Tenth day of month
- (b) Fifteenth day of month
- (c) Last day of month**
- (d) Any day of month

79. Who is not authorized to hear appeals against the orders made by the Rent Controllers?

- (a) District and Session Judges
- (b) Additional District and Session Judges
- (c) Chief Judicial Magistrate
- (d) All of the above**

80. According Section 33, which one has power to make rules of this Act:

- (a) Central Government
- (b) Parliament
- (c) State Legislature
- (d) State Government**

81. In which of the following case the Supreme Court held that "While guaranteeing the fundamental right to the freedom of religion. Explanation II to Article 25(2)(b) made it clear that reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly"?

- (a) CWTv. R. Shridharan (1976) SCC (4) 489
- (b) Shastri Yagna Purishdasji v Muldar Bhandardas Vaishya, AIR 1966 SC 119**
- (c) Bai Vajia v. Thakarbai Chalbhai (1979) 3 SCC 300
- (d) Beni Bai v. Raghbir Prasad (1999) 3 SCC 234

82. Which of the following property comes under coparceners or Joint Family Property?

- (a) Ancestral Property
- (b) Property acquired by all or any of coparceners with the aid of Joint Family Fund
- (c) Property acquired by Joint Labour of members
- (d) All of the above**

83. Which Law Commission Report on the HMA and the Special Marriage Act recommended the establishment of Family Courts?

- (a) 54th Law Commission Report, 1964
- (b) 59th Law Commission Report, 1974**
- (c) 59th Commission Report, 1956
- (d) 54th Commission Report, 1974

84. "SALUS POPULI SUPREMA LEX means:

- (a) The Welfare of the people is the Supreme Law**
- (b) Public Opinion is Supreme over law
- (c) Public Opinion is Supreme over law
- (d) None of the above

85. Which of the following is the first report by Law Commission of India on "Irretrievable breakdown of marriage" as a ground divorce?

- (a) 51st Report
- (b) 71st Report**
- (c) 215th Report
- (d) 217th Report

86. Who among the following is not a class-1 heir?

- (a) Brother**
- (b) Daughter of a pre-deceased daughter
- (c) Daughter of a pre-deceased son
- (d) Son of pre-deceased son

87. Which of the following Sections of the Hindu Marriage Act was challenged in the case of Laxmi Amu Ramaswami Naicker?

- (a) Section 10**
- (b) Section 11
- (c) Section 12
- (d) Section 13

88. Match the List I with List II with the help of codes below:

List I

- (a) Sadhu Singh v. Gurdwasa Naiske, AIR 2006 SC 3282**
- (b) T. Shiv Kumar v. Inspector of Thimvaalur (2011) 5 CTC, 689**
- (c) Ramkali v. Malila Shyam Wati, AIR2000 MP 288**

(d) Vishnu Dutt Sharma v. Manju Sham. AIR 209 SC 2254

List II

(i) Custody of minor wife

(ii) Breakdown theory

(iii) Presumption Legitimacy

(iv) Widow's right to maintenance

Codes:

	(a)	(b)	(c)	(d)
(a)	ii	iii	iv	i
(b)	iv	i	iii	ii
(c)	iii	ii	iv	i
(d)	ii	iv	i	iii

89. In which of the following case, the Supreme Court held that "No Court except Supreme Court is competent to pass a decree for mutual consent divorce if one of the consenting parties withdraws his/her consent before the decree for mutual consent is passed to do complete justice to the parties"?

(a) Anil Kumar Jain v. Maya Jain, AIR 2010 SC 229

(b) Sureshta Devi v. Om Prakash, AIR 1991F SCW 373

(c) Surjit Kaur v. Garja Singh, AIR 1994 SC 135

(d) S. Nagalingum v. Sivagami, AIR 2001 SC 3576

90. in which of the following case, the Supreme Court held that "Living together under one roof as husband and wife does not give the status of a husband and wife."

(a) Kanwal Ram v. H.P. Administration. AIR 1966 SC 614

(b) Surjit Kaur v. Garja Singh. AIR 1994 SC 135

(c) Bhu Rao Shankar v. State of Maharashtra (1965) 2 SC 837

(d) None of the above

91. Assertion (A): Where any special or local law prescribes for any suit appeal or application, period of limitation different from period prescribed by the Schedule, the provisions of Section 3 of Limitation Act, 1963 shall apply as if such period were the period prescribed by the schedule.

Reason (R): Where a Special Law prescribes a period of limitation for filing appeal but there is no provision thereof under Limitation Act, 1963, the period of limitation provided under the Special Law must be treated to be different from that under the Limitation Act.

Codes

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

92. Assertion (a): Section 5 of Limitation Act 1963 empowers the Court to admit a suit after the prescribed period if the plaintiff satisfies the Court that he had sufficient cause for not instituting the suit.

Reason (R): Even an appeal may be admitted after the prescribed period if the appellant shows sufficient cause for not preferring the appeal within the prescribed period.

Codes:

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

93. For the purpose of Limitation Act, 1963, which of the following claim(s) shall be treated as a separate suit?

- (a) Set-off
- (b) Counter-claim
- (c) Both (a) and (b)
- (d) None of these

94. The period of Limitation for filing cross objection would start from the date of appearance of the:

- (a) Counsel
- (b) Assistant Counsel
- (c) By filing application
- (d) None of these

95. Assertion (a): The Maxim "Lex non Cogit and Impossibilia", does not prevail against express provision of Section 3 of Limitation Act.

Reason (R): Principle of equity cannot prevail against the Statutory Law.

Codes:

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

(d) (a) is false but (R) is true

96. In which of the following case, the court held that "Limitation Act bars remedy but does not destroy right"?

(a) Food Corporation of India v. Jugal Kishore Agarwal

(b) Mandas v State of M.P.

(c) N. Bala Krishnan v. M. Krishna Murthy

(d) All of the above

97. In which of the following case the Supreme Court held that "Law of Limitation may harshly affect a particular party, but it has to be applied with all of its rigors when the statute so prescribes and the Courts have no power to extend the period of limitation equitable ground?"

(a) PK. Ramchandran v. State of Kerala

(b) Punjab National Bank v. Surrendra Prasad Sinha

(c) Bhagat Ram Gram Panchayat, Tibba Nagal

(d) Ali Mohd. v. Ramniwas

98. Provisions contained in Section 16 are not applicable to:

(a) Suits to enforce rights of pre-emption

(b) Suits for the possession of immovable property or of a hereditary office

(c) Both (a) and (b)

(d) Neither (a) nor (b)

99. Expiry of period of limitation:

(a) Extinguishes the debt

(b) Renders the debt unenforceable

(c) Extinguishes the debt and renders it unenforceable

(d) None of the above

100. Every suit instituted, appeal preferred and application made after the prescribed period shall be dismissed:

(a) If limitation has been set up as a defense

(b) If limitation is pleaded" at any time

(c) Although limitation has not been set up as defense

(d) None of the above

From Student to Lawyer to Judge

101. Which one of the following may record confession under Section 164 of the Code of Criminal Procedure?

- (a) any Executive Magistrate
- (b) a police officer
- (c) any Metropolitan Magistrate or Judicial Magistrate
- (d) a registered medical practitioner

102. Which one of the following offences may be compounded by the persons mentioned the third column of the table given under Section 320(1) of the Code of Criminal Procedure:

- (a) Adultery
- (b) Bigamy
- (c) House trespass
- (d) Causing hurt

103. Permission to investigate into a non- cognizable offence can be granted by a:

- (a) District Magistrate
- (b) Session Judge
- (c) Special Magistrate
- (d) Magistrate having power to try or commit the case for trial

104. Which one of the following offences is not triable summarily?

- (a) Grievous Hurt under Section 325 of the L.P.C.
- (b) Offences not punishable with death imprisonment for life or imprisonment for a term exceeding two years
- (c) Offences under Sections 454 and 456 of the Indian Penal Code
- (d) Criminal Intimidation under Section 506 of the Indian Penal Code

105. Which one of the following Sections of the Code of Criminal Procedure prohibits again trial of a person who has been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence?

- (a) Section.303
- (b) Section 299
- (c) Section 20(1)
- (d) Section 300(1)

From Student to Lawyer to Judge

106. If the offence is punishable with imprisonment for a term not exceeding one year, the period of limitation for taking cognizance shall be:

- (a) six months
- (b) one year**
- (c) two years
- (d) three years

107. Find out the correct answer:

(a) Any person convicted on a trial held by a High Court in its extraordinary jurisdiction may appeal to the Supreme Court

(b) Any person convicted on a trial held by a Session Judge may appeal to the Supreme Court directly

(c) Any person convicted on a trial held by an Additional Session Judge may appeal to the Court of Session

(d) Any person convicted on a trial held by an Assistant Session Judge may appeal to the High Court directly

108. Which one of the following courts is not empowered to transfer criminal cases?

(a) the Supreme Court

(b) the High Court

(c) the Court of Session

(d) the Court of Special Magistrate

109. Which one of the following offences is bailable?

(a) murder under Section 302, IPC

(b) death by negligence under Section 304A.

(c) dowry death under Section 304B, IPC

(d) abetment to commit suicide under Section 306, IPC

110. Which one of the following Sections of the Code of Criminal Procedure provides the confirmation by the High Court of an order of death sentence passed by the Court of Session prior to its execution?

(a) Section 366

(b) Section 367

(c) Section 368

(d) Section 369

From Student to Lawyer to Judge

111. Which one of the following terms includes 'birds in its meaning under the Wild-life (Protection) Act, 1972?

- (a) Captive animal
- (b) Animal article
- (c) Animal
- (d) None of the above

112. Habitat does not include under the Wild-life (Protection) Act, 1972:

- (a) Land
- (b) Water
- (c) Vegetation.
- (d) Botanical garden

113. Which one of the following Sections deals with constitution of the National Board for Wild-life?

- (a) Section 5, the Wild-life (Protection) Act
- (b) Section 5A, the Wild-life (Protection) Act
- (c) Section 5B, the Wild-life (Protection) Act
- (d) Section 5C, the Wild-life (Protection) Act

114. Which one of the following duties is not duty of we wild-life Advisory Board under the wild life (Protection) Act, 1972?

- (a) to advice the State Government in the selection and management of areas to be declared as protected areas.
- (b) to advice the State Government in formulation of the policy of protection and conservation of wild-life and specific plant
- (c) to advice the State Government in enacting a new legislation
- (d) to advice the State Government in relation to the measures to be taken for harmonizing the needs of the tribals

115. Which one of the following Sections provides provisions relating to hunting of wild animals to be permitted in certain cases under the Wild life (Protection) Act?

- (a) Section 9
- (b) Section 11
- (c) Section 17A
- (d) Section 17B

From Student to Lawyer to Judge

116. Which one of the following is not included within the meaning of 'tree' under the Indian Forest Act, 1927?

- (a) Palms
- (b) Bamboos
- (c) Canes
- (d) Neems**

117. 'River' does not include within its meaning under the Indian Forest Act, 1927.

- (a) Ponds**
- (b) Stream
- (c) Canal
- (d) Creek

118. Which one of the following Sections of the Indian Forest Act, 1927, deals with powers of the Forest Settlement Officer?

- (a) Section 7
- (b) Section 8**
- (c) Section 9
- (d) Section 10

119. Which one of the following acts is not prohibited under Section 26 of the Indian Forest Act, 1927?

- (a) sets fire to a reserved forest
- (b) trespasses or pastures cattle
- (c) clears or breaks up any land for cultivation
- (d) the exercise of any right continued under Clause (c) of Sub-section (2) of Section 15**

120. Formation of 'Village-Forest' is provided under:

- (a) The Chapter II of the Indian Forest Act
- (b) The Chapter III of the Indian Forest Act**
- (c) The Chapter IV of the Indian Forest Act
- (d) The Chapter V of the Indian Forest Act

121. Who can review the application disposed of, by any Excise under Clause of section 15, The Punjab Excise Act, 1914?

- (a) Excise Commissioner**
- (b) Collector

- (c) Excise Minister
- (d) Sub-divisional Officer of the division

122. Who for a licence of empowerture of Excisable Article under Section 27 of the Punjab Act, 1914?

- (a) Collector
- (b) Excise Commissioner
- (c) Financial Commissioner
- (d) Excise Officer

123. Age of lessee for having grant of lease of manufacture will not below the age of:

- (a) 18 years
- (b) 21 years
- (c) 25 years
- (d) 30 years

124. Who regulates the time, place and manner for an excise-duty' imposed as per the direction of the State Government under the Punjab Excise Act, 1914?

- (a) Collector
- (b) Commissioner
- (c) Financial Commissioner
- (d) Chief Minister

125. According to the Clause 20 of Section 3 of the Punjab Excise Act "Tari" means:

- (a) fermented or unfermented juice drawn from 'Neem tree
- (b) fermented or unfermented juice drawn from any kind of 'Palm' tree
- (c) fermented or unfermented oil drawn from 'Coconut tree
- (d) fermented or unfermented oil drawn from 'Olive' tree

126. Section 138 of the Negotiable Instruments Act provides penal provisions in case of dishonour of cheque, if it presented to the Bank within a period of six months:

- (a) from the date on which it is drawn only
- (b) from the date on which payee makes demand
- (c) from the date on which demand of pay accepted
- (d) from the date on which it is drawn within the period of its valid if whichever is earlier

127. Which one of the following proviso clauses of Section 138, Negotiable Instruments Act requires notice of fifteen days in case of failure of payment of cheque?

- (a) Clause (a)
- (b) Clause (b)
- (c) Clause (c)**
- (d) Clause (d)

128. Which one of the following Sections of the Negotiable Instrument Act empowers to the Judicial Magistrate of the First Class or Metropolitan Magistrate to try the offence relating to dishonour of cheque for insufficiency etc.?

- (a) Section 143(1)**
- (b) Section 143(2)
- (c) Section 143(3)
- (d) Section 143(4)

129. Written complaint should be made to the court from the date of cause of action, within a period of:

- (a) 30 days**
- (b) 45 days
- (c) 60 days
- (d) 90 days

130. Which one of the following Sections of the Negotiable Instrument Act, 1881. deals with offence committed by a company under Section 138?

- (a) Section 139
- (b) Section 140
- (c) Section 141**
- (d) Section 142

131. 'A', who is citizen of India, commits a murder in 'Uganda'. 'A' can be tried and convicted murder in:

- (a) any place in India in which he may be found**
- (b) Uganda only
- (c) India or Uganda, as decided by 'A', to be tried
- (d) any place in the world in which he is be found except India or Uganda

132. In context to the Indian Penal Code, 1860 India means:

- (a) Union of States
- (b) Confederation of States
- (c) The territory of India excluding the State of Jammu and Kashmir
- (d) 'Bharat only'

133. Which one of the following statements is not document?

- (a) A cheque upon a banker is a document
- (b) A power-of-attorney is a document
- (c) A writing containing directions or instructions is a document
- (d) A map or plan, which is intended not to be used as evidence, is a document

134. Which one of the following Sections of IPC defines 'Gaining Wrongfully and Lossing Wrongfully'?

- (a) Section 22
- (b) Section 23
- (c) Section 24
- (d) Section 25

135. A principle relating to joint liability That also serve who only stand and wait', was laid down in-case of:

- (a) Mahbood Shah v. Emperor
- (b) Barendra Kumar Ghosh v. Emperor
- (c) Manindra Chandra Ghosh v. K.E.
- (d) Nanak Chand v. State of Punjab

136. Execution of death sentence by public hanging is barbaric and violative of Article 21 of the Constitution of India, even if any Jail Manual provides for the same." It has been held by the Supreme Court in case of:

- (a) Bachan Singh v. State of Punjab
- (b) TV Vatheeswaran v State of Tamil Nadu
- (c) Attorney General of India v. Lachma Devi
- (d) Rameswar and another v. State of U.P

137. 'A' and 'Z' agree to fence with each other for amusement and to suffer any harm which in the course of such fencing, may be caused without foul play. 'A' while playing fairly, hurts 'Z'. 'A' commits:

- (a) no offence
- (b) an offence of hurt

- (c) an attempt to commit murder
- (d) an act of negligence

138. The right of private defence of the body does not extend to causing death, if the offence which occasions the exercise of the right be of any of the following description:

- (a) an assault with the intention of committing rape
- (b) an assault with the intention of gratifying unnatural lust
- (c) an assault with the intention of kidnapping or abduction
- (d) an assault with the intention of causing hurt

139. 'A' Incites a dog to spring upon 'Z', without Z's consent with intention to cause injury, fear or annoyance to Z. A has committed:

- (a) an offence of assault
- (b) criminal intimidation
- (c) use of criminal force
- (d) no offence

140. 'A' for the purpose of inducing 'B' to desist from prosecuting a civil suit. threatens to burn B's house, 'A' is guilty of:

- (a) threat to mischief
- (b) attempt to extortion
- (c) criminal intimidation
- (d) no offence

141. An imputation in the form of alternative or expressed ironically, may:

- (a) amount to defamation
- (b) not amount to defamation
- (c) amount to outrage the modesty if intended to woman
- (d) neither defamation nor outrage the modesty

142. Whenever force or violence is used by an unlawful assembly or by member of such assembly is guilty of:

- (a) affray
- (b) rioting
- (c) unlawful assembly only
- (d) no offence

From Student to Lawyer to Judge

143. 'Z' threatens 'A' to kill under the influence of madness. 'A' has:

- (a) the same right of private defence which he would have if 'Z' were sane
- (b) no right of private defence against Z because 'Z' was under the influence of madness
- (c) no right of private defence because 'A' has time to have recourse to the protection of the public authority
- (d) no right of private defence because an act of insane is not an offence

144. A shakes his fist at 'Z', intending or knowing it to be likely that he may thereby cause 'Z' to believe that 'A' is about to strike 'Z'. 'A' has committed:

- (a) use of criminal force
- (b) no offence
- (c) an assault
- (d) an attempt to cause hurt

145. 'A' places men with firearms at the outlets of a building and tells 'Z' that they will fire at 'Z', if 'Z' attempts to leave the building. 'A' has committed:

- (a) wrongful restrain
- (b) use of criminal force
- (c) wrongful confinement
- (d) no offence

146. Which one the following statement is not correct?

- (a) Bailable offence means an offence which is shown as bailable in the first schedule of the Code of Criminal Procedure, 1973
- (b) Bailable offence means an offence which is made bailable by any other law for the time being in force
- (c) Non-bailable offence means any other offence which is not bailable
- (d) Police may not arrest without warrant to an accused of bailable offence in all the situations

147. Find out the correct statement:

- (a) Investigation is conducted by a Magistrate only
- (b) Investigation is conducted by the Court of Law only
- (c) Investigation is conducted either by Court or by a Magistrate or both
- (d) Investigation is conducted by a police officer or by any person (other than Magistrate) who is authorised by Magistrate in this behalf

148. Complaint' means:

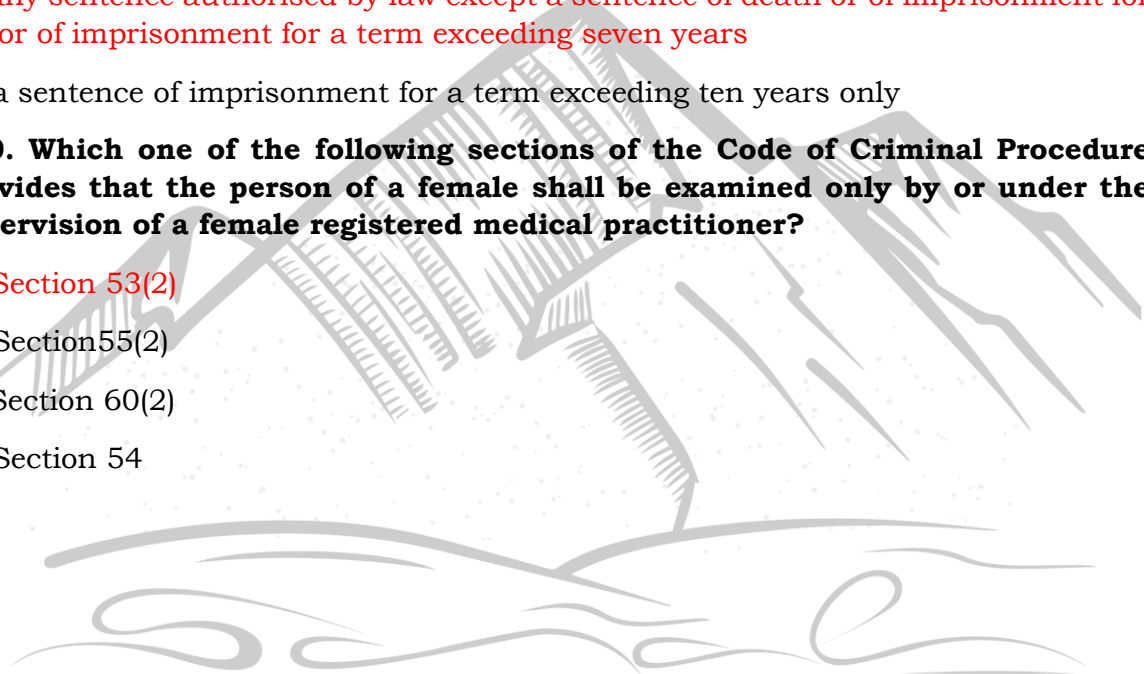
- (a) any allegation made orally or in writing to a police officer
- (b) any allegation made orally or in writing to a Magistrate to take action against known or unknown person who has committed an offence
- (c) Police Report
- (d) Charge

149. Which one of the following sentences may be passed by the Court of a Chief Judicial Magistrate?

- (a) a sentence of death or of imprisonment for life
- (b) a sentence of imprisonment for life or of imprisonment for a term exceeding ten years
- (c) any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years
- (d) a sentence of imprisonment for a term exceeding ten years only

150. Which one of the following sections of the Code of Criminal Procedure provides that the person of a female shall be examined only by or under the supervision of a female registered medical practitioner?

- (a) Section 53(2)
- (b) Section 55(2)
- (c) Section 60(2)
- (d) Section 54



From Student to Lawyer to Judge