

HIMACHAL PRADESH JUDICIAL SERVICE
PRELIMINARY EXAM 2015

1. Secondary evidence of the contents of a document is not admissible when

- (a) the original is of a nature as not to be castly movable
- (b) the original has been lost
- (c) the original is public document

(d) the original has been found to be inadmissible

2. When of the following is not correct statement?

- (a) No confession which is procured by promise is relevant
- (b) A confession made by an accused to a police officer whether during custody or out of custody is irrelevant
- (c) A confession made by an accused voluntarily to any person other than police officer while he was not in police custody can be proved

(d) A confession made by an accused to a police officer in the presence of a Magistrate is relevant

3. A document containing a communication from a husband to his wife in the hands of a third person is

- (a) not admissible in evidence until consented to by the writer of the communication
- (b) not admissible at all

(c) admissible in evidence

(d) none of the above

4. Documents in respect of which privilege has been provided under Section 123 of the Indian Evidence Act

(a) is a published official record

(b) is an unpublished official record

(c) both (a) and (b)

(d) none of the above

5. The relationship in Section 50 of the Indian Evidence Act, means

- (a) relationship by blood only
- (b) relationship by blood or marriage only

(c) relationship by blood or marriage or adoption

(d) none of the above

From Student to Lawyer to Judge

6. 'Mistake' referred to in Proviso (1) to Section 92 of the Indian Evidence Act, refers to

- (a) unilateral mistake only
- (b) mutual mistake only
- (c) unilateral and mutual mistake
- (d) none of the above

7. Section 105 of the Indian Evidence Act, applies to

- (a) criminal trials
- (b) civil suits
- (c) both (a) and (b)
- (d) neither (a) or (b)

8. 'Any person' in Section 106 of the Indian Evidence Act, refers to

- (a) a party to the suit
- (b) a stranger to the suit
- (c) a witness
- (d) none of the above

9. The presumption under Section 41 of the Indian Evidence Act is

- (a) a presumption of fact
- (b) a rebuttable presumption of law
- (c) an irrebuttable presumption of law
- (d) a presumption of law and fact

10. The presumption under Section 90 of the Indian Evidence Act, can be drawn in respect of

- (a) original documents
- (b) certified copies
- (c) uncertified copies
- (d) all of the above

11. Under Section 145 of the Indian Evidence Act, a witness may be contradicted as to his previous statement in writing

- (a) without drawing his attention to the previous writing
- (b) After drawing his attention to the previous writing
- (c) without drawing or after drawing his attention to the previous writing

(d) none of the above

12. Section 91 of the Indian Evidence Act applies to the transactions which under the

(a) only to law must be in writing

(b) only to the transactions which are reduced into the writing

(c) both (a) and (b)

(d) none of the above

13. Queen Empress v. Abdullah, ILR 7 All 385 is related to which of the following under Section 8 of the Indian Evidence Act?

(a) Motive

(b) Preparation

(c) Conduct

(d) None of the above

14. Section 81A was added in the Indian Evidence Act by the Information Technology Act, 2000 to provide the presumption as to

(a) electronic agreements

(b) electronic messages

(c) electronic records

(d) gazettes in electronic forms

15. Which of the following decisions is not a decree?

(a) Order of abatement of suit

(b) Dismissal of appeal as time barred

(c) Rejection of plaint for non-payment of court fee

(d) Order refusing to set aside sale

16. The principle of Private International Law is incorporated in

(a) Sections 13 and 14 of the Code of Civil Procedure

(b) Sections 15 and 16 of the Code of Civil Procedure

(c) Sections 17 and 18 of the Code of Civil Procedure

(d) Sections 19 and 20 of the Code of Civil Procedure

17. Mark the incorrect statement:

(a) A civil court has jurisdiction to try all suits of civil nature unless barred expressly or impliedly

(b) Consent can confer or take away Jurisdiction of a court

- (c) A decree passed by a court without jurisdiction is a nullity
- (d) Burden of proof of exclusion of jurisdiction of a court is on the party who asserts it.

18. Judgment of a 'Court of Small Causes' may have.

- (a) a concise statement of the case
- (b) the points for determination
- (c) the decision thereon
- (d) all of the above

19. Dismissal of the suit under Rule 3 of Order 9 of the Code of Civil Procedure

- (a) bar a fresh suit in respect of the same cause of action
- (b) does not bar a fresh suit in respect of the same cause of action
- (c) may bring a fresh suit with the leave of the High Court
- (d) may bring a fresh suit with the leave of District Judge

20. Under Order 12, Rule 2 of the Code of Civil Procedure, the time to be given to a party to admit any document when called upon by notice is

- (a) 15 days from the date of service of notice
- (b) 10 days from the date of service of notice
- (c) 7 days from the date of service of notice
- (d) 21 days from the date of service of notice

21. Which of the following questions may not be said to be substantial question of law for the purpose of Second Appeal?

- (a) a question of law on which there is conflict of judicial opinion
- (b) recording of finding without any evidence on record
- (c) taking into consideration irrelevant evidence
- (d) concurrent findings of fact recorded by courts of below

22. Under proviso to sub-rule (1) of Order 17 of Code of Civil Procedure, the maximum adjournments can be granted, are

- (a) five
- (b) for
- (c) three
- (d) two

23. What is not correct regarding 'Friendly Suit' under the Code of Civil Procedure?

- (a) Parties do not approach a court by presentation of a plaint

(b) Parties are not interested in the decision

(c) Parties enter into an agreement in writing stating such question for the purpose of obtaining the opinion of the court.

(d) None of the above

24. The Doctrine of restitution' is based upon the maxim

(a) actus curiae neminem gravabit

(b) actus non-facit reum, nisi mens sit rea

(c) actore incumbit onus probandi

(d) actus del neminj facit injuriam

25. An agreement or compromise entered in a 'representative suit' without the leave of the court is

(a) void

(b) voidable

(c) valid

(d) either valid or voidable

26. Under Order 32, Rule 10 of the Code of Civil Procedure on the death of 'next friend', the suit shall be

(a) dismissed

(b) stayed

(c) rejected

(d) dismissed or rejected

27. Where the plaintiff dies after hearing and before pronouncement of judgment the suit

(a) shall not abate

(b) shall abate

(c) shall abate if the right to sue not survive

(d) none of the above

28. Who is not entitled to apply under Rule 90 of Order 21, the Code of Civil Procedure, for set aside sale of immovable property in execution of decree?

(a) the decree-holder

(b) the auction-purchaser

(c) Judgment debtor

(d) none of the above

29. Order 20. Rule 12 of the Code of Civil Procedure provides for passing of preliminary decree in a suit for

- (a) dissolution of partnership
- (b) pre-emption
- (c) possession and mesne profits**
- (d) accounts between principal and agent

30. A decision in a suit may operate as res-judicata against persons not expressly named as parties to the suit by virtue of 'Explanation'

- (a) II to Section 11 of the Code of Civil Procedure
- (b) IV to Section 11 of the Code of Civil Procedure
- (c) VI to Section 11 of the Code of Civil Procedure**
- (d) VII to Section 11 of the Code of Civil Procedure

31. Who may delegate the power under Section 19 of the Himachal Pradesh Courts Act, 1976?

- (a) Civil Judge
- (b) District Judge**
- (c) Civil Judge and District Judge
- (d) None of the above

32. Under the Himachal Pradesh Courts Act, 1976 who may make rules to regulate the issue of licences to petition writers?

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

33. Under the Indian Stamp Act, 1899. 'Lease' means a lease of

- (a) Movable property
- (b) Immovable property**
- (c) Movable and immovable property
- (d) None of the above

34. 'Settlement under the Indian Stamp Act, 1899 means

- (a) any non-testamentary disposition**
- (b) any testamentary disposition

- (c) any testamentary or non-testamentary disposition
- (d) none of the above

35. 'Bill of lading under the Indian Stamp Act. 1899 includes

- (a) mate's receipts
- (b) through bill of lading**
- (c) mates receipts and through bill of lading
- (d) none of the above

36. Provision regarding 'Special Economic Zone was inserted in Section 3 of the Indian Stamp Act, 1899, in the year of

- (a) 1971
- (b) 2008
- (c) 2009
- (d) 2005**

37. Section 4 of the Indian Stamp Act 1899, relates to

- (a) Sale only
- (b) Mortgage only
- (c) Settlement only
- (d) Sale, mortgage or settlement**

38. For the purpose of Section 8A of the Indian Stamp Act, 1899, the expression Beneficial Owner' shall have the meaning as assigned in

- (a) the Depositories Act, 1996**
- (b) the Negotiable Instruments Act, 1881
- (c) the Indian Contract Act, 1872
- (d) Securities and Exchange Board of India Act. 1992

39. Under Section 9 of the Indian Stamp Act, 1899, who may reduce, remit or compound the duties?

- (a) High Court
- (b) Collector
- (c) Government**
- (d) Chief Controlling Revenue Authority

From Student to Lawyer to Judge

40. Under the Indian Stamp Act, 1899, in case of a counterpart of a lease, in the absence of any agreement to the contrary, the expenses for providing proper stamp shall be borne by

- (a) lessee
- (b) lessor**
- (c) lessee or lessor
- (d) none of the above

41. Under the Specific Relief Act, 1963, a suit for recovery of possession can be filed for the recovery of

- (a) movable property only
- (b) immovable property only
- (c) movable and immovable property**
- (d) none of the above

42. Section 8 of the Specific Relief Act, 1963, can not be invoked against a person

- (a) who has possession of the property
- (b) who has control over the property
- (c) who is owner of the property**
- (d) none of the above

43. Under Section 36 of the Specific Relief Act, 1963, the preventive relief is granted by

- (a) declaration
- (b) specific performance
- (c) injunction**
- (d) none of the above

44. Injunction granted under the Specific Relief Act, 1963 may be

- (a) temporary only
- (b) perpetual only
- (c) temporary or perpetual**
- (d) none of the above

45. Under Clause (3) of Section 38 of the Specific Relief Act, 1963, perpetual injunction can be granted when

- (a) the defendant is not a trustee of property for the plaintiff

- (b) there exists standard for ascertaining the actual damage caused
- (c) compensation would afford adequate remedy
- (d) it is necessary to prevent multiplicity of proceedings

46. Section 26 of the Specific Relief Act, 1963, contains the provision regarding

- (a) rectification of instruments
- (b) rescission of contracts
- (c) cancellation of instruments
- (d) declaratory decree

47. Provisions regarding 'specific performance of part of contract are contained in

- (a) Section 11 of the Specific Relief Act, 1963
- (b) Section 12 of the Specific Relief Act, 1963
- (c) Section 13 of the Specific Relief Act, 1963
- (d) Section 14 of the Specific Relief Act, 1963

48. Under Section 37 of the Specific Relief Act, 1963, a temporary injunction can be granted

- (a) only before the settlement of issues
- (b) only before the conclusion of plaintiff's evidence
- (c) only before the conclusion of defendant's evidence
- (d) at any stage of the suit

49. In relation to the expression defined in Section 3 of the Indian Evidence Act, which of the following statements is not correct?

- (a) Fact includes any mental condition of which any person is conscious
- (b) Courts include arbitrators
- (c) An inscription on a metal plate in a document
- (d) A fact is said to be not proved when it is neither proved nor disproved

50. For proving execution of a registered will, it is necessary to call

- (a) at least one attesting witness
- (b) at least two attesting witnesses
- (c) the registrar
- (d) none of the above

From Student to Lawyer to Judge

CIVIL LAW-II

51. Match List I with List II and select the correct answer by using the codes given below the lists (HPURC. Act)

List I

A Rup Chand v. Gopi Chand

B Bant Singh v. Ram Chand

C Om Prakash v. Sarla Kumari

D Nath Sharma v. Prem Lala

List II

(i) Subletting

(ii) Change of user

(iii) Arrears of rent

(iv) Bona fide need

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

52. The Rent Controller has been empowered inflict penalty on the Landlord, in case he is satisfied that the application for eviction was made by the Landlord on frivolous or vexatious grounds

(a) upto Rs. 1000

(b) upto Rs. 250

(c) upto Rs. 500

(d) upto Rs. 5000

53. Which of the following cases is related to letter of intent?

(a) DRSA v. M/s Bindal Agrochemical Ltd. AIR 2006 SC 871

(b) Union of India v. Maddala Thathaiah. AIR 1966 SC 1724

(c) Patna Regional Dev. Authority v. Rashtriya Pariyojna Nirman Nigam. AIR 1966 SC 2074

(d) Bhagwandas v. Girdharilal & Co.. AIR 1966 SC 543

From Student to Lawyer to Judge

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

List I

A. Acceptance of offer by Conduct

B. Phishing

C. Contract Through E-mail

D. Promissory Estoppel

List II

(i) National Association of Software & S. Conmputer v. Ajay Sood. AIR 2005 Delhi 269

(ii) Bhagwati Prasad Pawan Kumar v. Union of India. AIR 2006 SC 2331

(iii) Ali Mohd. Sheikh v. J&K. AIR 1987 J&k 11

(iv) Sapna Ganglani v.RS. Enterprises. AIR 2008 Kr 178

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

55. The communication of an acceptance by post is complete as against the proposer

(a) when it comes to the knowledge of the proposer

(b) when it is put in a course of transmission to him so as to be out of the power of the acceptor

(c) when it is received by the proposer

(d) none of the above

56. Compromise of dispute claims

(a) is not permitted by law

(b) results in a void agreement

(c) is not a good consideration for a contract

(d) is a good consideration for a contract

From Student to Lawyer to Judge

57. A sells, by auction, to his daughter, a horse which 'A' knows to be unsound and 'A' says nothing about the horse's unsoundness

- (a) this a fraud
- (b) this not a fraud
- (c) this misrepresentation
- (d) none of these

58. When the promisor offers to perform his obligation to the promisee, it is called

- (a) novation
- (b) tender of performance
- (c) offer of performance

(d) both (b) and (c)

59. Lending money to a borrower at high rate of interest, when money market is tight, renders the agreement of loan

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

60. The concept that says unfair or unconscionable contracts or clauses should not be enforced is known as

- (a) Pacta Sunt Sarvanda
- (b) Prima Facte
- (c) Culpa in Contra Bendo
- (d) Abus de droit

61. Threat to strike is.

- (a) undue-influence
- (b) mistake
- (c) coercion
- (d) no coercion

62. A contract may be vitiated by

- (i) fraud
- (ii) mistake
- (iii) frustration

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(iv) undue-influence

- (a) Only (i) is correct
- (b) Only (i) & (ii) are correct
- (c) Only (i), (ii), (iii) are correct

(d) All are correct

63. Which one of the following pairs is correctly matched?

- (a) In India. Consideration must follow- from Promisee only
- (b) In India. Consideration must follow- from only Promisor or only Promisee
- (c) In India Consideration must follow-from Promisor or any other person

(d) In India Consideration must follow- Promisee or any other person

64. An agreement not to pursue legal remedies but to refer the dispute to the arbitrator under Section 28 of the Indian Contract Act is

- (a) voidable
- (b) void
- (c) valid
- (d) unenforceable

65. The period of limitation for redemption of Mortgage under the Limitation Act, 1908 is

- (a) 7 years
- (b) 12 years
- (c) 30 years
- (d) 60 years

66. The period of limitation provides for the revocation of a gift on the ground of fraud, undue-influence and misrepresentation is

- (a) 7 years
- (b) 3 years
- (c) 2 years
- (d) 90 days

67. The period of limitation provides in case, no time is specified for redemption of a usufructuary mortgage under the Limitation Act, 1963 is

- (a) 7 years
- (b) 3 years
- (c) 12 years

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(d) No specific limitation period

68. In which of the following case, the court has held that limitation period as provided in the Limitation Act, 1963 would extend seven years by virtue of Section 39 of the Limitation Act, since a period of 30 years. Thus making Limitation period for redemption of Mortgage as 37 years

(a) Santa Singh v. Prakash Singh

(b) Purshottam v. Sagaji

(c) M.P. Ahmad v. Kutheravattam Estate Receiver

(d) All the above cases

69. Law of Limitation as considered in Limitation Act does not bar the remedy. if the suit has instituted under:-

(a) Code of Civil Procedure

(b) Transfer of Property Act

(c) Indian Divorce Act

(d) All of these

70. Which of the following Sections of the Limitation Act, 1963 defines "applicant"?

(a) Section 2(a)

(b) Section 2(b)

(c) Section 2(c)

(d) Section 2 (d)

71. For the purpose of Limitation Act, 1963 which of the following claims shall be treated as a separate suit?

(a) Set-off

(b) Counter-claim

(c) Both (a) and (b)

(d) None of these

72. When right to institute a suit for the possession of any property become time barred, right-to- property shall be

(a) continued

(b) extinguished

(c) subject to argument

(d) none of these

From Student to Lawyer to Judge

73. Effect of Limitation is that it

- (a) bars the judicial remedy
- (b) extinguish the right
- (c) both (a) and (b)
- (d) none of these

74. 'A' gift a husband and wife on condition of the donor having physical possession of the wife. The gift is

- (a) valid
- (b) void
- (c) invalid
- (d) unenforceable

75. In which of the following cases, the Supreme Court has held that the law as to undue- influence was the same in the case of a gift inter-vivos, as in the case of a Contract

- (a) Subhash Chandra v. Ganga Prasad, AIR 1967 SC 878
- (b) Tulsidas v. CIT. AIR 1961 SC 1023
- (c) Sonia Bhatia v State of U.P. (1981) 2 Sec 585
- (d) Kuppaswamy Chittar v. Arumugam. AIR 1967 SC 1395

76. In which case, the Supreme Court has held that "it is open to the donor to transfer by gift, title and ownership in the property, and at the same time reserve its possession and enjoyment to herself during life time"?

- (a) Hafeez Bi v. Sheikh Fareed, AIR 2011 SC 1695
- (b) K. Balakrishna v. K. Kamalam, AIR 2004 SC 1257
- (c) Bharat Nidhi Ltd. v. Takhatmal, AIR 1969 SC 313
- (d) Moti Das v. S.P. Shahi. AIR 1959 SC 942

77. Right of Subrogation means

- (a) the surety will step into the shoes of the creditor
- (b) he is entitled the benefit of every security which the creditor has
- (c) the surety can claim indemnity from the principal debtor
- (d) none of the above

From Student to Lawyer to Judge

78. In which case of the Supreme Court has held "that the Mortgage was valid even though no part of mortgage-money has been advanced"?

- (a) Nathu Lai v. Phool Chand, AIR 1970 SC 546
- (b) State of Kerala v. Cochin Refineries, AIR 1968 SC 1361
- (c) Raghunath v. Kedar Nath, AIR 1969 SC 1316
- (d) Gurdas Mal v. Punjab & Sindh, Bank Ltd., 1933 Lah 972

79. Bharat Nidhi Ltd. v. Takhatmal, AIR 1969 SC 313 is related to

- (a) actionable claim (Section 130)
- (b) ostensible owner (Section 41)
- (c) election (Section 35)
- (d) notice (Section 3)

80. Match the List I with List II and give the correct answer with the help of Codes given below:

List I

- A. Impotency**
- B. Registration of Marriage**
- C. Pre-marriage pregnancy**
- D. Incapacity to consent & Mental disorder**

List II (Provisions of HM Act)

- (i) Section 12(1)(d)**
- (ii) Section 12(1)(b)**
- (iii) Section 8**
- (iv) Section 12(1)(a)**

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

81. A decree of judicial separation:

- (i) dissolves the matrimonial bond**
- (ii) does not dissolve the matrimonial bond but merely suspends marital rights and obligations during the subsistence of the decree**

(iii) Mandates that the parties still continue to be husband and wife but not obliged to live together

(iv) Provides that if the parties have not resumed co-habitation for a period of one year either party may seek divorce

(a) (i), (ii) and (iv)

(b) (i), (ii), (iii) and (iv)

(c) (i) and (iv)

(d) (ii), (iii) and (iv)

82. Rules relating to sapinda relationship are based on the principle of

(a) polygyny

(b) endogamy

(c) exogamy

(d) polyandry

83. Which of the following has not yet been statutorily recognized as a theory of divorce under the Hindu Marriage Act, 1955?

(a) Fault theory

(b) Will theory

(c) Guilt theory

(d) Breakdown theory

84. In giving a child in adoption by the Hindu father, the requirement of consent of the mother, can be dispensed with if

(i) she has been declared to be unsound mind by Competent Court

(ii) she has completely renounced the world

(iii) she has ceased to be a Hindu

(iv) her age is less than 18 years

(a) (ii), (iii) and (iv)

(b) (i), (ii), (iii) and (iv)

(c) (i), (ii) and (iii)

(d) (i), (iii) and (iv)

85. Hanuman Prasad Pandey v. Mst. Baboee is a case related to

(a) adoption

(b) guardianship

(c) marriage

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(d) succession

86. In which case the Supreme Court has held that a Uniform Civil Code would enhance the cause of National Integration by removing the contradictions based on ideologies?

(a) Sarla Mudgal v. UOI

(b) Lily Thomas v. UOI

(c) John Vallamation v. UOI

(d) Mohammad Ahmad Khan v. Shah Bano

87. Match List I with List II and select the correct answer by using the Codes given below it.

List I

A. Manohar Lal v. Rao Raja S. Hirala

B. Subramma v. Saraswati

C. Jotish Chandra v. Mecra

D. Sobha v. Modhukar

List II

(i) Adultery

(ii) Constructive Desertion

(iii) Cruelty, demand of Dowry

(iv) Interim-maintenance

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

88. In which case, the Supreme Court has exhorted the Union of India to seriously consider and amend the existing law to add ground of irretrievable break down of Marriage?

(a) Ashok Hura v. Rupa Hura

(b) Naveen Kohli v. Neelu Kohli

(c) Satish Sitole v. Ganga

(d) Gaurav Nagpal v. Sumedha Nagpal

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89. In which of the following case, the Supreme Court held that even the wife of a void Marriage is entitled to maintenance?

- (a) Amarjeet Kaur v. Harbhajan Singh (2003) 10 SC 406
- (b) Chand Dhawan v. Jawahar Lal Dhawan (1993) 3 SC 406
- (c) Nirmala Deviv Ram Dass (2001)SC
- (d) Ramesh Chandra v Veen Kausa, AIR 1978 SC 1807

90. In which state, where widow may adopt a child without an express authority from her husband, before the H.M. Act. 1956?

- (a) Bihar and Madhya Pradesh
- (b) UP and Haryana
- (c) Madras and Bombay
- (d) Orissa and Andhra Pradesh

91. On which date had the State Government promulgated the H.P. Urban Rent Control Ordinance?

- (a) 17 August, 1987
- (b) 18 August, 1987
- (c) 15 September, 1987
- (d) 20 October, 1987

92. Rent Controller is strict sense

- (a) Not a Court
- (b) Trapping of a Court
- (c) Both (a) and (b)
- (d) None of the above

93. The order fixing the fair rent is a Judgment

- (a) in personam
- (b) in rem
- (c) both (a) and (b)
- (d) none of the above

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

List I

A. New Tenant

B. Fair rent fixed shall be operated from the date of application

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C. Cutting off supply

D. Landlord's duty to keep building up Good repairs

List II

(i) Section 4(5)

(ii) Section 11

(iii) Section 13

(iv) Section 4(2)(a) of Act, 1987

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

95. 10% increase of rent shall be allowed from the expiry of the period under Section 5(2)(a)(i)(ii) of the Act of every

- (a) 6 years
- (b) 4 years
- (c) 5 years**
- (d) 9 years

96. In which of the following cases held that "Once the controller comes to the conclusion that the building is unsafe and unfit for human habitation. petition under Section 13 H.P. Urban Rent Control Act. 1987 becomes meaningless?"

- (a) Anant Ram & Sons v. Raghubar Dayal
- (b) Bhagat Ram v. Brijnath**
- (c) Rup Chand v. Gopi Chand
- (d) Tirath Ram v. Gurubachan Singh

97. In which of the following cases, the Supreme Court held that rendering of services cannot be a good consideration for subletting as it would be against rent laws?

- (a) Dipak Bannerjee v. Smt. Lila Bati, AIR 1987 SC 2055**
- (b) Rup Chand v. Gopi Chand. AIR 1989 SC 1416
- (c) Ram Dayal v. Ram Charan Dass (1984) IRCR 282
- (d) Brijender Nath v. Harshvardhan. AIR 1988 SC 293

98. The Case Brijendra Nath v. Harshvardhan, AIR 1988 SC 293 is related with H.P.U.R. Act

- (a) Section 14 (2) (ii) (b) of the Act, 1987
- (b) Section-14 (2) (if) (a) of the Act, 1987
- (c) Section 14 (3) of the Act, 1987
- (d) Section 14 (3) (a) (iii) of the Act, 1987

99. In which of the following cases the court had held that it is obligatory on the part of the Controller to process an application filed for fixation of fair rent to its logical end?

- (a) Dayawanti v. Kirpa Ram. AIR 1981 HP 6
- (b) Surjit Singh v. Pritam Singh, AIR 1975 HP 43
- (c) Ramji Dass v. Roshan Lal. 1963 PLR 647
- (d) Mangat Rai v. Kedar Nath, AIR 1980 SC 1709

100. The landlord contravening the provisions of Clause (9) of Section 7 or Section 8 shall be punishable with imprisonment which may extend to

- (a) 2 years only
- (b) one year with fine
- (c) only fine
- (d) 2 years with fine

CRIMINAL LAW-III

101. The Provision, that "no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try offence punishable under Section 138, exists under

- (a) Clause (b) of Section 142 of the Negotiable Instruments Act, 1881
- (b) Clause (a) of Section 142 of the Negotiable Instruments Act, 1881
- (c) Clause (c) of Section 142 of the Negotiable Instruments Act, 1881
- (d) Section 143 of the Negotiable Instruments Act, 1881

102. Which Section of the Negotiable Instruments Act, 1881 excludes the defence that the "drawer had no reason to believe when he issued a cheque that it may be dishonoured on presentment for the reasons stated in Section 138 of the Act"?

- (a) Section 138
- (b) Section 139
- (c) Section 140
- (d) Section 141

From Student to Lawyer to Judge

103. In trial of an offence under Section 138 of the Negotiable Instruments Act, 1881, the provisions of Sections 262 of 265 of the Code of Criminal Procedure

- (a) shall apply (Section 143)
- (b) shall not apply (Section 143)
- (c) sometimes shall apply (Section 143)
- (d) none of the above

104. For the purpose of attracting the provisions of Section 138 of the Negotiable Instruments Act, 1881 a cheque must be presented to the bank

- (a) within a period of 3 months from the date on which it is drawn
- (b) within a period of 1 month from the date on which it is drawn
- (c) within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier
- (d) within a period of 15 days from the date on which it is drawn

105. Which of the Section of Negotiable Instruments Act, 1881 provides that "where a person is nominated as a Director of a company by virtue of his holding any office or employment in the Central Government or the State Government, as the case may be, he shall not. be held liable for an offence under Section 138 of the Act, committed by a company?"

- (a) Proviso (one) to Section 141(1)
- (b) Proviso (two) to Section 141(1)
- (c) Sub-section 2 of Section 141
- (d) None of the above

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

List 1 (Chapters of H.P. Excise Act, 2011)

- A. Chapter VI**
- B. Chapter IX**
- C. Chapter IV**
- D. Chapter VII**

List II (Titles of Chapters)

- (i) Licenses, Permits and Passes**
- (ii) Confiscation**
- (iii) Appeal and Revision**
- (iv) Offences and Penalties**

From Student to Lawyer to Judge

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

(DELETED)

107. The imprisonment for employing any person below the age of 18 years in any Vend, Bar or other place where liquor or other intoxicants are stored or served, under Himachal Pradesh Excise Act, 2011 is

- (a) upto 6 months
- (b) upto one year
- (c) upto 3 months**
- (d) upto two years

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

List I

(Provisions of H.P. Excise Act, 2011)

- A. Power to cancel or suspend licenses etc**
- B. Surrender of licenses**
- C. Penalty for consuming liquor in public places**
- D. Prohibition of Import. Export of Transport of Liquor**

List II (Sections of the Act)

- (i) Section 46**
- (ii) Section 29**
- (ii) Section 35**
- (iv) Section 21**

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

From Student to Lawyer to Judge

109. The composition money of any offence as prescribed under Section 66 of the H.P. Excise Act, 2011 is

- (a) Minimum Rupees Five Thousands and Maximum Rupees Twenty-Five Thousands
- (b) Minimum Rupees Ten Thousands and Maximum Rupees Twenty-Five Thousands
- (c) Minimum Rupees-Five Thousands and Maximum Rupees Twenty Thousands
- (d) Minimum Rupees Two Thousands and Maximum Rupees Twenty-Five Thousands

110. How much additional compensation can be awarded by a court under section 42 of the H.P. Excise Act, 2011, if any person dies due to consumption of liquor?

- (a) not less than one lakh rupees
- (b) not less than two lakh rupees
- (c) not less than three lakh rupees
- (d) not less than five lakh rupees

111. "Livestock term, under the Wild-life (Protection) Act, 1972, does not include

- (a) poultry
- (b) yaks
- (c) wild animals
- (d) mules

112. The chairperson of the Central Zoo Authority shall hold office for such period

- (a) not exceeding two years
- (b) not exceeding three years
- (c) not exceeding five years
- (d) not exceeding four years

113. Chapter IVA (Containing Sections 38A to 38) was inserted in the Wild-life (Protection) Act, 1972 by the

- (a) Act 44 of 1991
- (b) Act 26 of 1993
- (c) Act 28 of 1986
- (d) Act 16 of 2003

From Student to Lawyer to Judge

114. Which of the following sections of the Wild-life (Protection) Act, 1972 protects the actions of the officers or other of the Central Government employee Government taken in or State good faith?

- (a) Section 59
- (b) Section 60**
- (c) Section 60A
- (d) Section 62

115. For which one of the following purposes may the Child Wild-life Warden not grant to any person a permit to enter and reside in a sanctuary?

- (a) Photography
- (b) Study of wild-life
- (c) Collection of specimens**
- (d) Scientific research

116. The imprisonment for doing the prohibited acts in reserved forests under Section 26 of the Indian Forest Act, 1927 is upto

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

117. Match List I With List II and give the correct answer by using the codes given below the lists:

List I

(Provisions under Indian Forest Act, 1927)

- A Powers of forest settlement officers**
- B Formation of village forests**
- C Power to make rules for protected forests**
- D Power to compound offences**

List II (Relevant Sections of the Act)

- (i) Section 32**
- (ii) Section 68**
- (iii) Section 28**
- (iv) Section 8**

From Student to Lawyer to Judge

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

118. Which of the following chapters of the Indian Forest Act, 1927 deals with "The control of timber and other forest produce in transit"?

- (a) Chapter V
- (b) Chapter IX
- (c) Chapter VII**
- (d) Chapter VI

119. What is the term of imprisonment prescribed under Section 63 of the Indian Forest Act, 1927 for counterfeiting or defacing marks on trees and timber and for altering boundary marks?

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

120. Which of the following have the power to try summarily any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both under Section 67 of the Indian Forest Act, 1927?

- (a) District Magistrate only
- (b) Magistrate 1st Class specially empowered only
- (c) Both (a) and (b)**
- (d) Neither (a) nor (b)

121. 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

From Student to Lawyer to Judge

122. Which of the following combinations are correctly matched?

(1) Made by Magistrate: Investigation

(2) Object is to collect evidence: Inquiry

(3) Ordinarily second stage of a criminal case: Inquiry

(4) It is not a judicial proceeding: Investigation

(a) (1) and (2)

(b) (2) and (3)

(c) (3) and (4)

(d) (2) and (4)

123. A Chief Judicial Magistrate may pass a sentence of imprisonment

(a) not exceeding seven years

(b) exceeding seven years

(c) for life

(d) not exceeding three years

124. Point out the incorrect statement:

(a) In cognizable offence any police officer may, without an order from magistrate and without a warrant, arrest any person

(b) A private person may arrest or cause to be arrested any person committing a cognizable offence

(c) An executive magistrate may arrest the offender when any offence is committed in his presence and within his jurisdiction

(d) None of the above

125. A proclaimed person whose property has been attached, can claim the property or the proceeds of the sale, on appearance

(a) within six months

(b) within two years

(c) within three years

(d) within one year

126. In proceeding under Section 107 of the Cr.P.C. an executive magistrate may require to execute a bond for keeping peace for such period, not exceeding

(a) one year

(b) two years

(c) three years

(d) six months

From Student to Lawyer to Judge

127. In which case it was held by the Hon'ble Supreme Court that a married daughter is also liable to maintain her parents?

- (a) **Visaya Manohar Arhat v. Kashirao**
- (b) Savita Ben v. State of Gujarat
- (c) Kirtikant Vadodario v. State of Gujarat
- (d) N.B. Bhikshu v State of A.P

128. The power of the Supreme Court to transfer cases and appeals from one High Court to another High Court can be exercised on an application by which one of the following?

- (a) Registrar of the High Court concerned
- (b) **Attorney General of India**
- (c) Chairman Bar Council of India
- (d) Solicitor General of India

129. Which Section of the Code of Criminal Procedure, 1973 has dealt with power of High Court to commit the sentence of death to life imprisonment on pregnant woman?

- (a) **Section 416**
- (b) Section 411
- (c) Section 417
- (d) Section 420

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

List I

A Summary dismissal of appeal

B Anticipatory bail

C Abatement of appeals

D Compounding of offences

List II

- (i) **Section 320 Cr.PC.**
- (ii) **Section 384 Cr.P.C.**
- (iii) **Section 438 Cr.P.C.**
- (iv) **Section 394 Cr.P.C.**

From Student to Lawyer to Judge

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

131. By which one, out of the following Acts, the words "imprisonment for life Acre substituted for the words transportation for life" in the Indian Penal Code?

- (a) Act XXV of 1955
- (b) Act XXIV of 1955
- (c) Act XXVI of 1955
- (d) Act XXVII of 1955

132. Under Section 44 of IPC, the term "Injury" means any harm

- (a) illegally caused to a person in body and mind
- (b) illegally caused to a person in body and property
- (c) illegally caused to a person in body, mind, reputation or property
- (d) illegally caused to a person in body, mind and reputation

133. The essential ingredients of a crime are

- (a) motive, mens rea and actus reus
- (b) motive, intention and knowledge
- (c) mens rea and actus reus
- (d) knowledge, intention and action

134. In which of the following cases, difference between 'common intention' and similar intention' was discussed by the Privy Council?

- (a) Mahboob Shah v. King Emperor
- (b) Barendra Kumar Ghose v. Emperor
- (c) Regv. Govinda
- (d) J.M. Desai v. State of Bombay

135. Which of the following cases is related to Criminal Breach of Trust under Section 406 of IPC?

- (a) Barendra Kumar Ghose v. Emperor
- (b) J.M. Desai v. State of Bombay
- (c) Mahboob Shah v. Emperor
- (d) Kedar Nath v. State of West Bengal

136. Which Section of IPC deals with enhanced punishment for offences under Chapter XII or Chapter VII after previous conviction?

- (a) Section 74
- (b) Section 75
- (c) Section 73
- (d) Section 76

137. A Hangman who hangs the prisoners pursuant to the order of the court is exempted from criminal liability by virtue of

- (a) Section 77 of IPC
- (b) Section 78 of IPC
- (c) Section 79 of IPC
- (d) Section 76 of IPC

138. A takes a camera belonging to B out of the possession of B without the consent of B. with the intention of keeping it until he gets a reward from B for its restoration. A is guilty of

- (a) Criminal misappropriation
- (b) Extortion
- (c) Theft
- (d) Cheating

139. A child of 9 years of age stole a gold necklace and immediately afterwards sold it to the accused, is he guilty of theft?

- (a) The child is not guilty as he lacked a sufficient maturity of understanding
- (b) The child is guilty as he has attained a sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion
- (c) The child is not guilty, as he was below 12 years of age
- (d) None of the above

140. Match List I (Cases) with List II (Subjects) and select correct answer by using the codes given below:

List 1 (Cases)

A State of Tamil Nadu v. Nalini

B Tolsion case

C Jaidevv. State

D Mehbood Shah v. King Emperor

From Student to Lawyer to Judge

List II (Subjects)

(i) Right of private defence

(ii) Criminal conspiracy

(iii) Common intention

(iv) Mistake of fact

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

141. Which one of the following statements is not correct?

Criminal conspiracy requires

- (a) an agreement between two or more persons
- (b) doing of an illegal act
- (c) doing of a legal act with illegal means
- (d) doing an act which may be an offence or not

142. Which of the following statements is correct:

(1) 'A' wilfully by a misrepresentation misled a police officer to arrest 'B' instead of 'C'

(2) 'A' instigates 'B' to murder 'C', 'B' refuses to do so

(3) 'A' instigates 'B' to murder 'D', 'B' stabs 'D'.

'D' survives from wound. Which of the above constitute the offence of abetment?

- (a) (1), (2) and (3)
- (b) (1) and (3) only
- (c) (2) and (3) only
- (d) (1) and (2) only

143. An employer deducts a certain percentage from the salary of his employees telling that it is their contribution to the provident fund but fails to credit it in the fund. Employer has committed the offence of

- (a) Criminal breach of trust
- (b) Criminal misappropriation
- (c) Theft

From Student to Lawyer to Judge

(d) Cheating

144. Which one of the following combinations are not correctly matched?

(1) Dowry Death Section 498A

(2) Rape Section 377

(3) Adultery Section 497

(4) Robbery Section 391

Select the correct answer by using the codes given below:

(a) (1), (3) and (4)

(b) (1), (2) and (4)

(c) (1), (2) and (3)

(d) (2), (3) and (4)

145. A and B both are of 16 years of age. A entices B for marriage and takes her to another city. What offence has been committed by A?

(a) A has committed kidnapping

(b) A has committed no offence as B has gone with her own consent

(c) A has committed abduction

(d) A is himself minor. Hence A has committed no offence

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

List I (Elements of Offence)

A Movable property obtained without consent

B Movable property obtained without consent by instant violence

C Movable property obtained without consent induced by fear

D Movable property obtained using violence by gang of six persons

List II (Types of Offence)

(i) Robbery

(ii) Extortion

(iii) Dacoity

(iv) Theft

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

From Student to Lawyer to Judge

(c) iv i ii iii

(d) iv ii i iii

147. The case R v. Dudley and Stephens is related to the defence of-

- (a) Insanity
- (b) Intoxication
- (c) Mistake of fact
- (d) **Necessity**

148. Which of the following punishments cannot be awarded under the Indian Penal Code?

- (a) Imprisonment for life
- (b) Death sentence
- (c) **Transportation for life**
- (d) Forfeiture of property

149. A male teacher during examination, while conducting search, put his hands in the pocket of the pant of a girl candidate thinking her to be a boy. Here the teacher, under the IPC, has committed the offence under Section

- (a) 354
- (b) 323
- (c) 509

(d) **No offence**

150. Assertion (a): Rape is a stigma on a woman, hence it is a punishable offence.

Reason (R): Sexual intercourse by a man with his wife is not rape.

- (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 correct, (R) is false
- (d) (a) is false, (R) is correct

From Student to Lawyer to Judge