

KARNATAKA JUDICIAL SERVICE

PRELIMINARY EXAM 2012

1. Following irregularities done by a Magistrate, do not vitiate proceedings:

- (A) to issue a search warrant under Section
- (B) to order, under Section 155, the police to investigate an offence
- (C) none of the above
- (D) both (a) and (b)

2. Stoppage of proceedings in a criminal case has the effect of:

- (A) acquittal in all circumstances
- (B) acquittal where the evidence of the principal witness has been recorded
- (C) discharge in all other cases where the evidence of the principal witness has not been recorded
- (D) both (b) and (c)

3. Under Section 64 of the Indian Penal Code, a sentence of imprisonment for non-payment of fine shall:

- (A) be concurrent of any other imprisonment.
- (B) be in excess of any other imprisonment to which an offender has been sentenced
- (C) not be in excess of any other imprisonment
- (D) none of the above

4. In case of an offence punishable with fine only, imprisonment for non-payment of fine

- (A) has to be simple
- (B) has to be rigorous
- (C) can be partly rigorous and partly simple
- (D) either (a) or (b)

5. Insanity as a defence means that a person at the time of doing an act. by reason of unsoundness of mind is incapable of knowing:

- (A) the nature of the act
- (B) that what he is doing is wrong
- (C) that what he is doing is contrary to law
- (D) either (a) or (b) or (c)

6. Culpable homicide is causing death:

- (A) with the intention of causing such bodily injury as is likely to cause death
- (B) with the knowledge that by such act death is likely to be caused
- (C) with the intention of causing death-
- (D) all of the above

7. For rioting, which of the following is correct

- (A) mere show of force is sufficient
- (B) mere possession of deadly weapon sufficient
- (C) actual force or violence must be used
- (D) all of the above

8. In cases of dishonest misappropriation initial possession of property is:

- (A) in good faith
- (B) dishonest
- (C) fraudulent
- (D) none of the above

9. Circumstantial evidence must satisfy the following test:

- (A) the circumstances from which an Inference of guilt is to be drawn must be cogently and firmly establishes
- (B) those circumstances should be definite tendency unerringly pointing towards the guilt of the accused
- (C) the circumstances taken collectively should form a chain so complete that there is no escape from the conclusion that within all human probability, crime was committed by the accused

- (D) all of the above

10. Due execution of a document more than thirty years old coming from proper custody is a:

- (A) rebuttable presumption of law
- (B) presumption of fact
- (C) irrebuttable presumption of law
- (D) none of the above

From Student to Lawyer to Judge

11. Fact in issue means the fact, existence or non existence of which is:

- (A) admitted by the parties
- (B) disputed by the parties**
- (C) non-disputed by the parties
- (D) none of the above

12. Section 14 of the Evidence Act makes relevant the facts which show the existence of:

- (A) any state of body or bodily feeling
- (B) any state of mind
- (C) either state of mind or of body or bodily feeling**
- (D) a particular state of mind and a state of body

13. A legal representative under the Code of Civil procedure means:

- (A) a co-sharer of the benefits arising to the parties to the suit
- (B) a person, who in law represents the estate of the deceased**
- (C) a relative of parties to the suit
- (D) all of the above

14. Where the execution is applied within .years of the decree, issuance of notice of the application for execution of a decree, to the judgment debtor, is not necessary.

- (A) two years of the decree**
- (B) four years of the decree
- (C) three years of the decree
- (D) five years of the decree

15. Under Order IX. Rule 7 of the Code of Civil procedure, an application can be made:

- (A) any time during the pendency of the suit
- (B) at any time on or before the next date of hearing**
- (C) within 60 days of the Order
- (D) within 90 days of the Order

From Student to Lawyer to Judge

16. Contract is said to have 3 essentials, which one among the following is not an essential element in the formation of contract:

- (A) Offer
- (B) Acceptance
- (C) Consideration
- (D) Promise

17. The question of the title is irrelevant in a suit under Section 6 of the Specific Relief Act, 1963." This statement is:

- (A) True
- (B) False
- (C) Partly true
- (D) None of the above

18. Decisions regarding disqualification of members of Lok Sabha are taken by

- (A) Speaker
- (B) Prime Minister
- (C) Ministry of Parliamentary Affairs
- (D) Parliamentary Secretary

19. Whether a mortgagee under a simple mortgage can take possession of the mortgaged property?

- (A) Yes
- (B) No
- (C) Only if court permits
- (D) None of the above

20. When a writ is issued to an inferior court or tribunal on grounds of exceeding its jurisdiction or acting contrary to the rules of natural justice. it is called a writ of:

- (A) Certiorari
- (B) Mandamus
- (C) Quo Warranto
- (D) Habeas Corpus

From Student to Lawyer to Judge

21. is the "heart and soul of the Constitution."

- (A) right to constitutional remedies
- (B) right to property
- (C) right to religion
- (D) all of the above

22. Right to appeal is:

- (A) an inherent right
- (B) a statutory right
- (C) a natural right
- (D) all of the above

23. Every suit by a minor or a lunatic shall be instituted in his name by a person-

- (A) by a minor
- (B) by a lunatic
- (C) both (a) and (b)
- (D) none of the above

24. Mesne profit means:

- (A) profit earned by mission
- (B) very minimum profit
- (C) profit received or could have been received by a person in wrongful possession of property
- (D) none of the above

25. Total number of languages recognized in the Constitution of India are:

- (A) 28
- (B) 31
- (C) 22
- (D) 18

26. In a case in which time had not been fixed for performance of the agreement, the court refused to grant the relief of specific performance to the plaintiff on the ground that suit was not filed within a reasonable time. The order is:

- (A) illegal
- (B) null and void

(C) legal

(D) Irregular

27. The authority empowered to transfer a judge from one High Court to another High Court is the:

(A) Chief Minister

(B) Speaker

(C) President

(D) Governor

28. Illegality renders a contract:

(A) Punishable

(B) Vold

(C) Illegal

(D) all of these

29. Right to seek advisory opinion of the Supreme Court on any question of law belongs to the:

(A) President

(B) Governor

(C) Prime Minister

(D) President & Governor

30. "The jurisdiction to decree specific performance is discretionary and the court is not bound to grant such relief merely because it is lawful to do so." This statement is:

(A) False

(B) Partly true

(C) True

(D) None of the above

31. 'A', executed an agreement with 'B' who was a minor aged 17 years at the time of execution of the agreement. After attaining majority, the erstwhile minor:

(A) can ratify the agreement

(B) cannot ratify the agreement

(C) has to set aside the agreement

(D) none of the above

32 A holder in due course' is person:

(A) entitled to possess the negotiable instrument in his own name and to recover the amount

(B) who becomes a possessor of the negotiable instrument consideration

(C) who holds the instrument as an agent of the payee

(D) who possesses the instrument for the purpose of presentation of payment

33. Withdrawal of complaint, results in the

(A) discharge of the accused in case where the charge has not yet been framed.

(B) acquittal of the accused in cases where the charge has already been framed

(C) acquittal of the accused irrespective whether the charge has been framed or not

(D) none of the above

34. The question is, whether a horse sold by A to Bis sound; A says to B-go and ask C. C knows all about it" C's statement is:

(A) an admission

(B) not an admission

(C) a confession

(D) a presumption

35.A suit to set aside a compromise decree

(A) shall not lie on the ground/s that the compromise is not lawful

(B) shall not lie on any ground/s

(C) shall lie on the ground/s that the compromise is not lawful

(D) none of the above

36. An arrest warrant before judgment against a defendant can be issued if the defendant.

(A) removes the property outside the local limits of the jurisdiction of the court

(B) has absconded or left the local limits of the jurisdiction of the court

(C) is about to abscond or leave the local limits of the jurisdiction of the court

(D) all of the above

37.The list of witnesses, after settlement of issues must be filed within

(A) fifteen days

(B) thirty days

(C) forty five days

From Student to Lawyer to Judge

(D) sixty days

38. Where a judgment debtor dies before the decree has been fully satisfied:

(A) The same cannot be executed against the legal representatives

(B) The same can be executed against anyone of the legal representatives of the judgment debtor in its entirety

(C) The same can be executed against all the legal representatives

(D) the same can be executed against any number of the legal representatives as a decree holder wants

39. Section 115 of the Code of Civil Procedure appeals to:

(A) Non exercise of jurisdiction vested in a court

(B) irregular exercise of jurisdiction vested in a court

(C) exercise of jurisdiction not vested in a court

(D) all of the above

40 Newly inserted Chapter XXI-A of the Code of Criminal Procedure deals with:

(A) Bail

(B) Plea bargaining

(C) Disposal of property

(D) Transfer of criminal cases

41. Offences other than those mentioned under Section 320 of Cr.P.C.

(A) are compoundable

(B) are not compoundable

(C) are compoundable with the permission of the court

(D) are compoundable by the High Court

42. Attachment of the property of the person absconding, can be:

(A) issued after publication of the proclamation

(B) issued before publication of the proclamation

(C) issued simultaneously with the issue of proclamation

(D) all of the above

From Student to Lawyer to Judge

43. An accused having been called to examine himself on a request in writing:

(A) must necessarily examine himself

(B) has the liberty not to give evidence without giving rise to any presumption against him.

(C) has the liberty not to give evidence but in such a case a presumption arises against him

(D) none of the above

44. When several persons do a criminal act in furtherance of the common intention:

(A) each of such person shall be liable according to the extent of his participation in the crime

(B) each of such person is liable for that act in the same manner as if it were done by him alone

(C) each of such person is liable for his own overt act

(D) all of the above

45. Right of private defence is:

(A) available where there is no time to have recourse to the protection of public authorities

(B) available under the circumstances

(C) available where there is time to have recourse to the protection of public authorities

(D) all of the above

46. The following are exceptions to defamation:

(A) Imputation of Truth for Public Good

(B) Public conduct of Public Servants

(C) Literary criticism

(D) All of the above

47. Abetment is complete as soon as:

(A) the abettor has incited another to commit an offence

(B) the offence abetted has been committed

(C) the person instigated has done some overt act towards the commission of the offence

(D) none of the above

48. 'S' knows that 'R' is suffering from the disease of heart ailment and also knows that one hit on R's chest can cause cardiac arrest the cause death. S hits R once on chest and R dies. S is:

(A) guilty of murder since he had knowledge that in all probability is likely to cause death of 'R'

(B) guilty of no offence since the blow is not sufficient to cause the death of a person of normal health

(C) guilty of culpable homicide not amounting to murder since he does not think that his act is likely to cause death

(D) none of the above

49. A intentionally deceived B into a belief that A has performed A's part of a contract which he has not performed. and thereby dishonestly induces B to pay money. A has committed:

(A) the offence of cheating

(B) the offence of criminal breach of trust

(C) the offence of extortion

(D) the offence of theft

50. A document required by law to be attested can be proved under Section 68 of the Evidence Act only by calling:

(A) both the attesting witnesses

(B) some other person who has the knowledge of the contents

(C) at least one of the attesting witnesses

(D) all of the above

51. Section 92 of the Evidence Act is applicable to disputes between:

(A) the parties to the instrument only

(B) two strangers where the document is in question

(C) a party to the instrument and a stranger

(D) all of the above

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

(A) the party calling the witness only

(B) the adverse party only

(C) either of the parties if the answer is adverse to either of the parties

(D) none of the above

From Student to Lawyer to Judge

53. Section 27 of the Evidence Act applies to discovery of some fact which:

- (A) the police had not previously learnt from other sources and was first derived from the information given in the accused
- (B) the police had not previously learnt from other sources
- (C) the police had previously learnt from other sources and the accused has also given information regarding the same
- (D) all of the above

54. Under Section 32 of the Evidence Act, statement of a person who is dead, to be admissible:

- (A) may relate to the cause of someone else's death
- (B) may relate to the cause of his death or someone else's death
- (C) must relate to the cause of his own death
- (D) none of the above

55. Period of thirty years under Section 90 Evidence Act is to be reckoned from the which the document: of the date on

- (A) filed in the court
- (B) relied upon
- (C) tendered in evidence which genuineness becomes a subject of proof.
- (D) all of the above

56. Section 114 of the Evidence Act provides for certain:

- (A) presumption of fact
- (B) rebuttable presumptions of law
- (C) irrebuttable presumptions of law
- (D) none of the above

57. During re-examination of a witness:

- (A) a new matter can be introduced as a matter of right generally
- (B) no new matter can be introduced at all
- (C) a new matter can be introduced only with the permission of the court
- (D) none of the above

58. Properties that can be attached are:

- (A) Money, Bank Notes, Cheques, Bills of exchange, Hundis, Promissory notes
- (B) Stipends and gratuities allowed to pensioners of the Government

(C) Books of account

(D) All of the above

59. After withdrawal of a suit, the plaintiff:

(A) cannot institute a fresh suit in respect of the same subject matter unless liberty is given at the time of withdrawal of the suit

(B) can institute a fresh suit in respect of the same subject matter

(C) can institute a fresh suit in respect of the same subject matter only with the leave of the court

(D) can institute a fresh suit in respect of the same subject matter only without the leave of the court

60. A executed a demand promissory note in favor of "B" for an ascertained sum. Though the parties had agreed upon payment of interest, they failed to specify the rate of interest in the instrument. Later 'B' unilaterally added 18% as the rate of interest. This renders the document

(A) Voidable

(B) Void

(C) Incomplete

(D) None of the above

61. Who among the following judges was chairman of the National Commission to Review the Working of the Constitution?

(A) M.N. Venkatachalaiah

(B) VR. Krishna Lyer

(C) A.S. Anand

(D) J.S. Verma

62. Which of the following island is situated in Arabian Sea?

(A) Andaman Island

(B) Nicobar Island

(C) Lakshadweep Island

(D) Indira point

63. Which of the following contract is not specifically enforceable?

(A) To sell an agricultural property

(B) to sell a dwelling house

(C) To perform in a singing programme

(D) None of the above

From Student to Lawyer to Judge

64. Opinion of an expert under Section 45 of the Evidence Act

- (A) is a conclusive proof
- (B) is not a conclusive proof**
- (C) is not relevant
- (D) is not admissible

65. The defendant wants to file an application under Section 152 CPC to contract an accidental slip in a judgment, it should be filed:

- (A) within 30 days
- (B) within 60 days
- (C) within 90 days
- (D) any time**

66. In a warrant trial, after the charge is framed, the Magistrate can:

- (A) stop the proceedings under Section 258 Cr.P.C.
- (B) drop the proceedings
- (C) only acquit or convict the accused**
- (D) stay the proceedings in proper cases

67. Which of the following statements is wrong:

- (A) oath may be administered to an accused before he is examined under Section 313 Cr.P.C.**
- (B) an accused can be examined as a witness only on his request in writing
- (C) an accused can refuse to answer any question when he is examined under Section 313 Cr.P.C.
- (D) the court can put to the accused a question at any stage of the trial

68. A phrase which does not find a place in Section 304- A, IPC is:

- (A) the death of any person
- (B) rash or negligent act
- (C) rash and negligent act**
- (D) not amounting to culpable homicide

From Student to Lawyer to Judge

69. Sexual intercourse with the consent of a girl amounts to rape if she is under:

- (A) 15 years
- (B) 16 years
- (C) 17 years
- (D) 18 years**

70. Where the serving officer delivers or tenders a copy of the summons to the defendant personally or to his agent, he must required such a person to sign an acknowledgement of service to be endorsed on the original summons. Then:

- (A) the copy of the summons will be delivered to the defendant
- (B) the original summons with the defendant's signature thereon, will be returned to the court**
- (C) both (a) and (b)
- (D) the original summons with the defendant's signature thereon, will be returned to the plaintiff

71. Who among the following can move the court for plea bargaining?

- (A) the Police Officer
- (B) the complainant
- (C) only the accused**
- (D) both the accused or the complainant

72. Section 438 of Cr.P.C. can be invoked:

- (A) in cases of non-bailable offences**
- (B) in cases of bailable offences
- (C) both (a) & (b)
- (D) neither (a) nor (b)

73. While passing an order for disposal of property:

- (A) the Magistrate has to decide the question of title
- (B) the Magistrate has to decide the question of entitlement of possession without deciding the title**
- (C) the Magistrate has to decide the question of title as well as the question of entitlement of possession
- (D) the Magistrate has to decide the question of entitlement of possession on the basis of decision on the question of title

74. Dishonestly inducing any person in delivering property is

- (A) Criminal breach of trust
- (B) Cheating**
- (C) Misappropriation
- (D) Extortion

75. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days of its dissolution, the mother remaining unmarried, shall not be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten. The statement is

- (A) True
- (B) False**
- (C) Partly true
- (D) None of the above

76. The court shall permit leading questions as to matters which are introductory or undisputed or which have, in its opinion, been already sufficiently proved. The statement is:

- (A) False
- (B) True**
- (C) Partly true
- (D) None of the above

77. Classification of summons case & warrant case

- (A) helps in determining the procedure to be adopted helps to decide the questions of issuance
- (B) of process to the accused
- (C) helps in determining the inquiry procedure to be adopted
- (D) (a) & (b) are correct**

78. In a summons case triable by a Magistrate continuation of investigation, beyond period of six months, from the date of arrest of the accused, without the previous permission of the Magistrate, shall:

- (A) render the entire investigation is vitiated and bad and the accused liable to be discharged
- (B) not render the entire investigation but the prosecution cannot rely on the investigation so carried out and the evidence so collected shall not be admissible
- (C) not render the entire investigation but the accused is liable to be discharged**

(D) none of the above

79. The Government of India Act, 1935 provided for:

(A) dyarchy in provinces

(B) provincial authority

(C) legislative councils for provinces

(D) communal electorate

80. When a FIR is given by the accused the same can be used:

(A) for contradiction of the accused

(B) for corroboration of the accused

(C) against the accused as confession

(D) as an admission if the same is non- confessional

81. Person who is not qualified to be appointed to a public post is appointed to occupy the said post This is challenged before the High Court invoking the Writ Jurisdiction. Which of the following are the most appropriate Writs to be invoked.

(A) Writ of Mandamus

(B) Writ of Prohibition

(C) Writ of Habeas Corpus

(D) Writ of quo-warranto

82. Which of the following are grounds for eviction of a tenant under Section 27 of the Karnataka Rent Act:

(A) that the tenant, his spouse or dependants or daughter ordinarily living with him, before or after the commencement of this Act, built or acquired vacant possession of or been allotted a residence or as the case may be, a commercial premises

(B) that the person in occupation of the premises has failed to prove that he is a bona fide tenant

(C) both (a) and (b)

(D) none of the above

83. It shall not be a defence in a prosecution for an offence under Section 138 that the drawer had no reason to believe when he issued the cheque that the cheque may be dishonoured of presentment for the reasons stated in the Section. This statement is:

(A) False

(B) Partly true

(C) True

From Student to Lawyer to Judge

(D) None of the above

84. When two persons mutually transfer the ownership of one thing for the ownership of another, neither things or both things being money only, the transaction is called:

(A) A Sale

(B) A Gift

(C) An Exchange

(D) None of the above

85. The Mortgagee has a right to sue for the mortgage money in the following cases namely

(A) Section 68(1)(c) where the mortgage is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor

(B) Section 68(1)(d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor

(C) Both (a) and (b)

(D) None of the above

86. Proviso to Section 34 of the Specific Relief Act relates to suits for:

(A) Declaration

(B) Injunctions

(C) Specific performance

(D) All of the above

87. Under Section 5 of the Karnataka Rent Act, 1999, who, out of the following would have the first priority in inheriting tenancy in the event of a death of a tenant:

(A) Parents

(B) Spouse

(C) Son or daughter or where there are both son and daughter, both of them

(D) Daughter-in-law, being the widow of his predeceased son

From Student to Lawyer to Judge

88. 'A' entered into an agreement with 'B' to sell immovable property of the former for consideration and 'B' was put in possession of the property. Both parties had signed the agreement. The agreement had not been registered under the Indian Registration Act. In a suit between the parties, 'B' claimed the benefit of Section 53A of the Transfer of Property Act. Whether his claim is maintainable?

(A) Yes, it is maintainable

(B) No, it is not maintainable since the agreement was not registered

(C) No, since the sale deed was not executed

(D) None of the above

89. A executed a gift deed in favour of B with respect to an immovable property worth Rs. 90/-. The deed was duly attested but was not registered. B. in a suit, claimed title by virtue of the above gift deed. Is his claim maintainable?

(A) No, the deed is not valid

(B) Yes, the deed is valid since the value of the property is less than Rs. 100/-

(C) Deed is valid since the gift is a document which requires no consideration

(D) None of the above

90. Which of the following instruments is not a valid promissory note?

(A) The instrument which contains an endorsement by another guaranteeing repayment

(B) The instrument containing attestation by two witnesses

(C) The undertaking is to pay on demand after a period of one year

(D) The undertaking is to pay a sum to be ascertained at the time of demand

91. Claim for necessities of life supplied to a lunatic under Section 68 of Indian Contract Act, can be enforced against:

(A) the lunatic personally when he ceases to be lunatic

(B) the relative of lunatic

(C) the guardian of lunatic

(D) the lunatic's property or estate

92. Who was known as "Grand Old Man of India"?

(A) Jayaprakash Narayan

(B) C.F Andrews

(C) Dadabhat Naoroji

(D) Lala Lajpat Rai

From Student to Lawyer to Judge

93. The currency of Greece is:

- (A) Rupiah
- (B) Forint
- (C) Drachma
- (D) Ringgit

94. If time is the essence of contract and the promisor fails to perform, the contract by the specified time, the contract:

- (A) becomes void
- (B) remains valid
- (C) becomes voidable promise at the instance of the
- (D) becomes unenforceable

95. To apply the doctrine of part performance laid down in Section 53A of the Transfer of Property Act:

- (A) the transferee must be always ready and willing to discharge his part of obligation under the contract
- (B) the contract must be in writing and signed by the transferor and the terms and conditions must be certain
- (C) the contract must be for value non- gratuitous
- (D) all of the above

96. Where an immovable property of one person is by an act of parties or operation of made security for the payment of money to another and the transaction does not another to a mortgage, the latter person:

- (A) is said to have a charge on the property
- (B) is not said to have a charge on the property
- (C) is said to be a security
- (D) none of the above

97. Communication of acceptance is complete as against the acceptor only.

- (A) when it is put in the course of transmission
- (B) when it comes to the knowledge of the proposer
- (C) when it is communicated to the acceptor that the acceptance has reached the proposer
- (D) all of the above

From Student to Lawyer to Judge

98. Novation of a contract under Indian Contract Act, means:

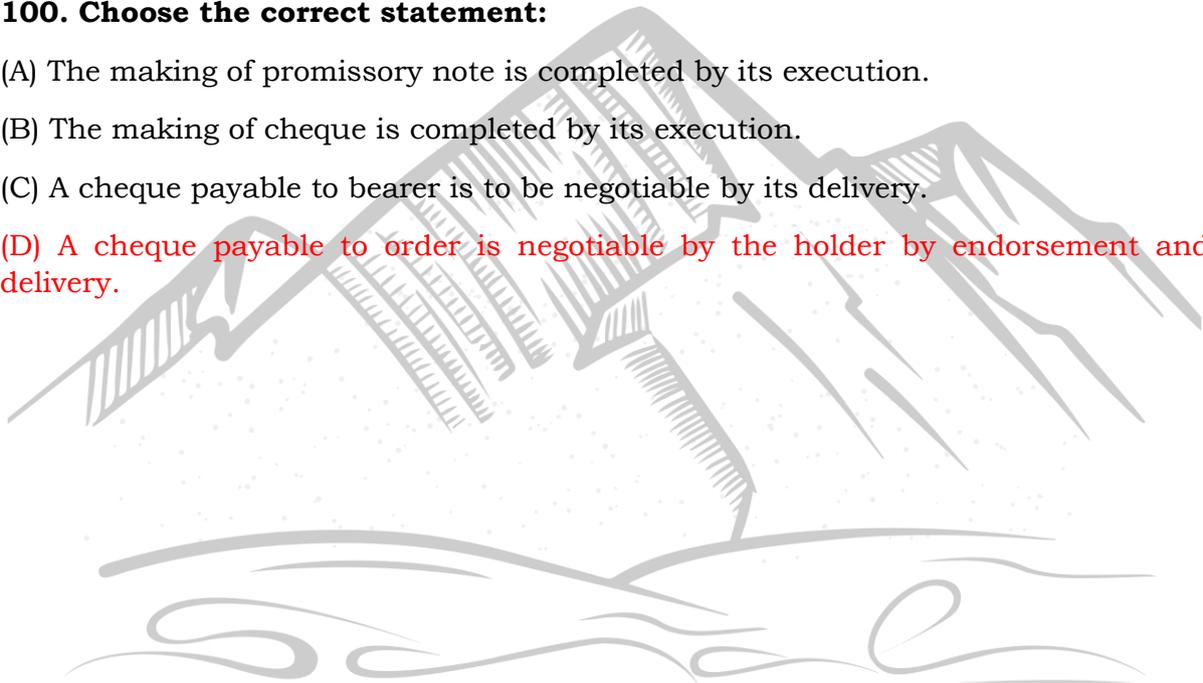
- (A) cancellation of contract
- (B) alteration of the contract
- (C) the renewal of original contract
- (D) substitution of a new contract in place of

99. Under Section 34 of the Specific Relief Act a declaration can be sought by:

- (A) a person having a legal character or a right as to property which is denied
- (B) a person whose legal character or right to property is not denied
- (C) a stranger who has no interest
- (D) all of the above

100. Choose the correct statement:

- (A) The making of promissory note is completed by its execution.
- (B) The making of cheque is completed by its execution.
- (C) A cheque payable to bearer is to be negotiable by its delivery.
- (D) A cheque payable to order is negotiable by the holder by endorsement and delivery.



From Student to Lawyer to Judge