

## **MADHYA PRADESH JUDICIAL SERVICE**

### **Preliminary Exam, 2006**

**1. Warrant case has been defined as a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term;**

- (a) exceeding one year
- (b) exceeding two years
- (c) exceeding three years
- (d) exceeding seven years

**2. Offences of Indian Penal Code other than mentioned in Section 320 of Criminal Procedure Code are:**

- (a) not compoundable
- (b) compoundable with the permission of court
- (c) compoundable by the Court of Sessions
- (d) compoundable by the High Court

**3. Section 164 Criminal Procedure Code provides a special procedure for recording of:**

- (a) confessions
- (b) statements made during the course of investigation
- (c) confessions as well as statements made during the course of investigation
- (d) examination of witnesses by police

**4. When investigation cannot be completed within 24 hours, the largest period for which an accused can be remanded to police custody is:**

- (a) ten days
- (b) fifteen days
- (c) thirteen days
- (d) thirty days

Ans.(b)

**5. If a Magistrate administers oath before recording the confession of an accused, the confessional statement is:**

- (a) good in law and admissible in evidence
- (b) bad in law and inadmissible in evidence
- (c) good in law but admissible only on corroboration
- (d) bad in law but become admissible on corroboration by other evidence

**6. When investigation is not completed within the prescribed period of 90 days or 60 days, as the case may be and accused is in custody, on expiry of the said**

**period, if he is prepared to and does furnish bail, the accused is entitled to be:**

- (a) discharged
- (b) acquitted
- (c) released on bail by the investigation officer
- (d) released on bail by the concerned Magistrate

**7. Under the provisions of Section 125 of Criminal Procedure Code, who of the following cannot claim maintenance from her husband:**

- (a) wife herself earning money
- (b) wife living separately by mutual consent
- (c) woman, who has been divorced by her husband and has not remarried
- (d) woman, who has obtained divorce from her husband and has not remarried

**8. Jurisdiction to grant bail under Section 438 of Criminal Procedure Code vests with:**

- (a) only High Court
- (b) only Sessions Court
- (c) only Magistrate
- (d) either High Court or Court of Sessions

**9. Compounding of offence under the provisions of Criminal Procedure Code results in that criminal case:**

- (a) acquittal of accused
- (b) discharge of accused
- (c) acquittal only if the charges have been framed
- (d) discharge only if the charges have been framed

**10. Period of limitation to take cognizance of an offence punishable for a term more than three years imprisonment is:**

- (a) 90 days
- (b) one year
- (c) three years
- (d) no period of limitation is prescribed

**11. A disputed handwriting can be proved:**

- (a) by calling an expert
- (b) by examining a person acquainted with the handwriting of the writer of the questioned document
- (c) comparison of the two, admitted and disputed documents
- (d) all of the above.

**12. In relation to a court question the adverse party:**

- (a) has a right to cross-examination as a matter of right
- (b) can cross-examine only with the permission of court
- (c) has no right to cross-examine.
- (d) can make any objection as a matter of right

**13. Evidence means and include:**

- (a) ocular evidence only
- (b) documentary evidence only
- (c) ocular and documentary evidence both
- (d) ocular evidence based on documents only

**14. The documents are:**

- (a) caricature
- (b) words printed, lithographed or photographed
- (c) a map and an inscription on a stone
- (d) all of the above

**15. Contents of documents may be proved;**

- (a) by secondary evidence
- (b) by primary evidence
- (c) (A) and (B) both are correct
- (d) above all options are incorrect

**16. Under sub-section 5(c) of Section 65(B) in Indian Evidence Act, a computer output shall be taken to have been produced by a computer;**

- (a) whether it was produced by it directly
- (b) whether it was produced by means of any appropriate equipment
- (c) whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment
- (d) whether it was produced by it directed or by means of any appropriate equipment.

**17. Admissions:**

- (a) must be in writing
- (b) must be oral
- (c) can be either oral or in writing
- (d) must be oral and in writing both

**18. Facts which need not be proved by the parties include:**

- (a) facts which have been admitted by the parties at or before the hearing

- (b) statements made on oath
- (c) any registered document
- (d) statements made in plaint or in written

**19. Under Indian Evidence Act, a document required by law to be attested, can be proved by calling:**

- (a) both the attesting witnesses
- (b) at least one of the attesting witness
- (c) any other person
- (d) a legal heir of the attesting witness

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

- (a) presumption of facts
- (b) rebuttable presumption of law
- (c) irrbutable presumption of law
- (d) presumption of facts and law both

**21. In criminal proceedings the burden of proof lies:**

- (a) on prosecution to prove the guilt of accused beyond reasonable doubt
- (b) on accused to prove his innocence
- (c) on both the parties
- (d) depends on the facts of each case

**22. Leading questions can be asked during:**

- (a) examination-in-chief
- (b) cross-examination
- (c) re-examination
- (d) cannot be asked in any circumstances

**23. M.P. Accommodation Control Act, 1961 shall apply to such accommodation:**

- (a) which is the property of Government
- (b) Accommodation which is the property of a local authority
- (c) which is owned by any educational institution, exempted by the Government via some notification
- (d) Which has not been used, without reasonable cause, for which it was let, for a continuous period of six months

**24. After a notice of demand for arrears of rent has been served on tenant, he should pay or tender the arrears of rent, to save himself from eviction:**

- (a) within fifteen days

- (b) within one months
- (c) within two months
- (d) within three months

**25. Tenant may be evicted on the ground of bonafide need of landlord for residential purpose, but the need does not extend to:**

- (a) his son's need
- (b) need of the other family members
- (c) need of any person for whose benefit accommodation is held
- (d) need of any other tenant paying more rent

**26. For a construction, which has materially altered the Accommodation to the detriment of the landlord's interest or is likely to diminish its value substantially, by the tenant:**

- (a) oral permission from landlord is sufficient
- (b) written permission of landlord is necessary
- (c) permission has to be taken from the Rent Controlling Authority
- (d) no such permission is required

**27. In case of eviction on the ground of bona fide need for residential or non-residential accommodation, the landlord cannot obtain possession of the Accommodation before ...**

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

**28. Cognizance of offences, punishable under M.P. Accommodation Control Act, 1961 can be taken by:**

- (a) Judicial Magistrate second class
- (b) Judicial Magistrate first class
- (c) Only Sessions Court
- (d) Only High Court

**29. Which of the following is incorrect statement?**

- (a) Tenant can sublet the whole or any part of the Accommodation held by him as a tenant with the previous consent in writing of landlord
- (b) Tenant can transfer or assign his rights in the tenancy or in any part thereof with the previous consent in writing of landlord
- (c) For subletting, the previous consent of landlord has to be taken in writing. It is a mandatory provision

(d) A landlord shall claim or receive the payment of any sum as premium of "pugree" for giving his consent to the subletting of the Accommodation held by the tenant

**30. Standard rent may be fixed by:**

**(a) The court**

(b) Landlord and tenant

**(c) Rent Control Authority**

(d) Collector

**31. Where a landlord recovers possession of any Accommodation from the tenant in pursuance of an order made under clause (e) of clause (f) of sub-section (1) of section 12 of M.P. Accommodation Control Act, 1961, the landlord shall not, except with the permission of Rent Controlling Authority obtained in the prescribed manner, re-let the accommodation within:**

(a) one year

**(b) two years**

(c) three years

(d) five years

**32. If the accommodation was let to a tenant for use as a residence by reason of his being in service or employment of the landlord and that tenant has ceased to be in such service or employment then which of the following is perfect:**

(a) ground for eviction is available in all respect

(b) this is not a ground for eviction

**(c) ground for eviction shall not be available if any dispute, as to whether the tenant has ceased to be in service or employment of the landlord, is pending before any competent authority**

(d) no ground for eviction is available, if the tenant keeps paying the rent on or before due date

**33. Which of the following is not a legal ground of eviction?**

(a) Tenant has built up, acquired vacant possession of or has been allotted an accommodation suitable for his residence

(b) Tenant has caused or permitted to be caused substantial damages to the accommodation

**(c) Landlord desires to increase the rent being paid by tenant and tenant refused for such increase**

(d) Tenant has been convicted under any law of an offence of using the building or allowing the building to be used for immoral or illegal purposes

**34. Against an order passed by Rent Controlling Authority under any Section of Chapter 3A of M.P. Accommodation Control Act, 1961:**

(a) only appeal shall lie

(b) appeal shall not lie

(c) only revision shall lie

(d) both appeal and revision shall lie

**35. On transfer for his benefit, an unborn person acquires vested interest:**

(a) upon his birth

(b) after one week of his birth

(c) after twelve days of his birth

(d) there is no such provision in law

**36. Where immovable property is transferred for consideration by persons, having distinct interest therein, but their interests in the property are of equal value, the transferor are:**

(a) entitled to get equal share in the consideration

(b) entitled to get unequal share in the consideration

(c) entitled to get equal share subject to further transfers in future

(d) none of the above

**37. "Rule of lis pendens" is applicable to suits for specific performance of contracts to transfer the immovable property. This statement is:**

(a) False

(b) True

(c) Partly true

(d) Depends on the facts of each case

**38. In case of transfer of property, the seller is:**

(a) not entitled to rents and profits

(b) entitled to rents and profits of the property till the ownership there of passed by buyer

(c) entitled to rents and profits forever

(d) none of the above

**39. In case of unfructuary mortgage the mortgagee is placed in possession and has a right to receive the rents and other profits:**

(a) till the mortgage money is paid

(b) till the contract is recinded

(c) for a fixed period of thirty years

(d) for a fixed period of ninety nine years

**40. A right to obtain a decree from the court that the mortgaged shall be absolutely debarred of his right to redeem the mortgaged property is called:**

(a) a right for foreclosure

- (b) a right for claim
- (c) a right for redemption
- (d) a right for sale

**41. Lease of immovable property determines:**

- (a) by efflux of time, limited thereby
- (b) by implied surrender
- (c) by the happening of such event, where the interest of the lessor in the property, terminates on the happening of that even

(d) All the above

**42. In case of a gift if the donee dies before acceptance, the gift is:**

- (a) valid
- (b) void
- (c) revocable
- (d) irrevocable

**43. Transfer of Property Act has no relation with**

- (a) air
- (b) water
- (c) light
- (d) all of these

**44. Fraudulent transfer is:**

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

**45. Sale is a transfer of ownership in exchange for a price:**

- (a) paid
- (b) promised
- (c) part paid and part promised
- (d) all of the above

**46. X transfers Rs. 5,000 to 'Y' on condition that he shall marry with the consent of A, B and C, Y married without the consent of A, B and C but obtains their consent after the marriage. Y has:**

- (a) fulfilled the condition
- (b) not fulfilled the condition

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- (c) substantially complied with
- (d) none of the above

**47. A contract with or by a minor is a:**

- (a) valid contract
- (b) void contract
- (c) voidable contract
- (d) voidable contract at the opinion of either party

**48. Which 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
- (a) Consideration can only be future

**49. A contingent contract:**

- (a) is valid contract
- (b) is voidable contract
- (c) is a contract void-ab-initio
- (d) is a contract becomes void when the event becomes impossible

**50. Tender is:**

- (a) an offer
- (b) an invitation to offer
- (c) a counter offer
- (d) a promise

**51. Reasonable time for performance of a contract is a question:**

- (a) of fact
- (b) of law
- (c) mixed question of fact and law
- (d) of prudence

**52. A contract is- not frustrated:**

- (a) by commercial impossibility
- (b) by imposition of government restriction or order
- (c) by destruction of subject-matter of contract
- (d) by death or incapability of party when

**53. X promises to make a sculpture for Y:**

- (a) X's son can perform the promise
- (b) X has to perform the promise personally
- (c) X's servant can perform the promise
- (d) X's agent who is an artist also, can perform the promise

**54. X enters into a contract with Y, for which Y is guilty of fraud. X can:**

- (a) set aside the contract but cannot recover damages
- (b) only recover damages
- (c) set aside the contract and can recover damages also
- (d) none of the above

**55. When a contract has been broken, the party who suffers by such breach, is entitled to receive from the party, who has broken the contract:**

- (a) liquidated damages
- (b) compensatory damages
- (c) penal damages
- (d) none of these

**56. An agent can be appointed by:**

- (a) a minor of sound mind
- (b) a major of sound mind
- (c) any person of sound mind
- (d) any major of sound or unsound mind

**57. In a pledge ownership of property or goods:**

- (a) continued in pledger
- (b) transferred to the pledgee
- (c) cannot be transferred to pledgee under any circumstances
- (d) cannot continue with pledger under any circumstances

**58. Novation of a contract means:**

- (a) renewal of original contract
- (b) substitution of a new contract in place of original contract
- (c) alteration of contract
- (d) rescission of contract

**59. If the holder of service land dies, resigns or is lawfully dismissed, the land shall pass:**

- (a) by survivorship
- (b) or his success-in-office

- (c) by agreement
- (d) President Bord of Revenue

**60. which of the following do not fall under the meaning of “Revenue Officer”?**

- (a) Collector
- (b) Commissioner
- (c) Superintendent
- (d) President Bord of Revenue

**61. Agriculture year means the year commencing on:**

- (a) 1<sup>st</sup> day of January
- (b) 1<sup>st</sup> day of April
- (c) 1<sup>st</sup> day of July
- (d) 1<sup>st</sup> day of October

**62. Under Section 44 of M.P. Land Revenue Code, an appeal from the original order of Commissioner lies to:**

- (a) District Judge
- (b) Settlement Commissioner
- (c) High Court
- (d) Board of Revenue

**63. Under Section 50 of M.P. Land Revenue Code, no application for revision shall be entertained by Commissioner or Settlement Commissioner or Collector or Settlement Officer, as the case may be, unless presented within:**

- (a) Third days
- (b) Forty-five years
- (c) Sixty days
- (d) Seventy-five years from the date of order

**64. From an order passed in review, varying or reversing any order, in M.P. Land Revenue Code:**

- (a) only a writ petition lies before High Court
- (b) review order in final
- (c) only revision lies
- (d) appeal lies as in case of original order

**65. On his death, interest of Bhumiswami shall not pass by:**

- (a) Inheritance
- (b) Survivorship
- (c) Bequest

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(d) Any agreement

**66. All revenue officers in a division shall be subordinate to:**

(a) Commissioner

(b) Collector

(c) District Judge

(d) Board of Revenue

**67. Where a dispute arises between the State Government and any person in respect of any right under Section 57(1) of M.P. Land Revenue Code, providing for State ownership in all lands, such dispute shall be decided by the:**

(a) Revenue Board

(b) Patwari

(c) Sub-Divisional Officer

(d) Naib Tehsildar

**68. Clerical errors which have been made in the record-of-rights may at any time be corrected or cause to corrected by the:**

(a) Revenue inspector

(b) Patwari

(c) Tehsildar

(d) Sub-Divisional Officer

**69. Any person aggrieved by any entry made in Wazib-ul-arj may institute a suit in Civil Court to have such cancelled or modified within:**

(a) 90 days

(b) one year

(c) two years

(d) three years

**70. The following shall be deemed to be & lease of the land:**

(a) grant of right merely to cut grass

(b) to graze cattle

(c) any arrangement whereby a person cultivate any land of Bhumiswami on condition of his giving a specified share of the produce of the land, to the Bhumiswami

(d) to grow 'Singhara'

**71. A decree may be executed**

(a) by the court which passed the decree

(b) by any other court to which a decree has been sent for execution

(c) both statements are correct

(d) both statements are incorrect

**72. Any objection of interrogatories may be taken on the ground that it is:**

(a) Irrelevant

(b) Scandalous

(c) Not exhibited bonafide

(d) All or any of those

**73. A decree can be:**

(a) Preliminary

(b) Final

(c) First preliminary then final

(d) Either preliminary or final

**74. Mohan residing in Mumbai beats Sohan in Delhi. Sohan may sue Mohan:**

(a) only in Mumbai

(b) only in Delhi

(c) either in Mumbai or in Delhi

(d) none of these

**75. Principle of res judicata applies:**

(a) to suits only

(b) to execution proceedings only

(c) to arbitration proceedings only

(d) to suit as well as execution proceedings

**76. In case of failure of filing the written statement within thirty days, the defendant can be allowed to file the same on such other day specified by the court for reasons recorded in writing, which shall not be later than:**

(a) 45 days

(b) 60 days

(c) 90 days

(d) 120 days

**77. The plaint shall be rejected by the court, under Order 7 Rule 11 (e) of Civil Procedure Code, if it is not filed in:**

(a) duplicate

(b) triplicate

(c) quadruplicate

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(d) Five copies

**78. Pleading means:**

(a) plaint only

(b) written statement only

(c) **plaint and written statement**

(d) plaint, written statement and replication

79. An ex parte decree can be set aside on the ground that:

(a) **summons were not duly served**

(b) non-appearance of defendant as copies of documents filed with plaint were not provided to defendant

(c) defendant refused to receive the summons and thereafter no fresh summons were issued to him

(d) an ex parte decree cannot be set aside under any circumstances

**80. Documents which are meant for cross-examination of a witness of the other party or meant for refreshing the memory of the witness may be produced:**

(a) at or before the settlement of issues

(b) after the settlement of issues

(c) **at any time when they are required**

(d) along with pleadings

81. Pleadings can be amended:

(a) before the trial court only

(b) before the first appellate court only

(c) **before either the trial court or first appellate court or second appellate court**

(d) before second appellate court only

**82. Period of detention in civil imprisonment, as a consequence of disobedience or breach of any injunction shall not exceed:**

(a) one month

(b) **three months**

(c) six months

(d) one year

**83. A judgment passed by a court can be reviewed by:**

(a) **the court passing the judgment**

(b) the court of District Judge

(c) the High Court

(d) the Supreme Court

**84. Caveat shall not remain in force after the expiry of:**

- (a) 30 days
- (b) 60 days
- (c) 90days
- (d) 120 days

**85. X finds one thousand rupee's note on the public road. He does not know to whom the note belongs. X pick up the note. Here X has:**

- (a) not committed any offence
- (b) committed dishonest misappropriation property
- (c) committed robbery
- (d) committed theft

**86. Age of minor for kidnapping should be:**

- (a) under 16 years
- (b) under 18 years
- (c) under 16 years of age if a male and under 18 years of age if a female
- (d) under 21 years of age if a male and under 18 years of age if a female.

**87. X and Y both go to murder 7. X stood on guard with a spear in hand but did not hit Z at all. Y killed Z;**

- (a) only Y is liable for murder to 2
- (b) X and Y both are liable for murder of z
- (c) X is not liable as he did not perform any overt act
- (d) (A) and (C) both are correct

**88. If the offence be punishable with fine only. imprisonment for non-payment of fine:**

- (a) has to be simple
- (b) has to be rigorous
- (c) can be rigorous or simple
- (d) no imprisonment

**89. X is at work with hatchet, the head of hatchet files off and kills a man Y who was stand by. Here, if there is no want of proper caution on the part of X, has act is:**

- (a) not excusable and no offence
- (b) excusable and not an offence
- (c) an offence but benefit of probation is necessary
- (d) an offence or not is depend on the sweet will of the legal representative of deceased

**90. 'The right of private defence of the body:**

(a) commences as soon as reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence and it continues as long as such apprehension of the danger to the body continues

(b) commences as soon as reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence and it continues even after that apprehension ceases

(c) commences only when the assault in period of assault actually done and continues during the

(d) commences only when the assault is actually done and continues even after the assaultment has left

**91. For criminal conspiracy the minimum number of persons required is:**

(a) seven

(b) five

(c) two

(d) three

**92. Assault cannot be caused by:**

(a) mere words

(b) gestures

(c) preparation

(d) any one of these

**93. Robbery is dacoity if committed conjoined by:**

(a) more than two persons but less than five persons

(b) more than five persons or more

(c) at least seven persons

(d) at least ten persons

**94. For an unlawful assembly, the minimum number of persons required is:**

(a) ten

(b) seven

(c) five

(d) three

Ans.(c)

**95. X knows that Y is suffering from a disease in his head and also knows that if a blow is given to Y on his head it is likely to cause his death, X gives a first blow to Y on his head. Y died. X is**

(a) guilty of culpable homicide amounting to murder



(b) guilty of murder

(c) guilty of causing hurt

(d) guilty of no offence

**96. Y inserts his hand into the pocket of Z but the pocket was empty. Y guilty of:**

(a) no offence as the offence was not completed

(b) theft

(c) mischief

(d) attempt to theft

**97. 'A' by putting 'B' in fear of grievous hurt dishonestly induces 'B' to sign in a blank paper and delivers it to 'A'. 'B' after signing that paper delivers it to 'A'. 'A' has committed**

(a) theft

(b) dacoity

(c) robbery

(d) extortion

**98. When the injury is intentional and sufficient to cause death in the ordinary course of nature and death follows, the offence is:**

(a) attempt to murder

(b) culpable homicide and amounting to murder

(c) murder

(d) grievous hurt

**99. In a cognizable case the police will have powers to:**

(a) investigate except the power to arrest without warrant

(b) investigate and power to arrest without warrant only after seeking permission from the Magistrate

(c) investigate including the power the arrest without warrant

(d) investigate and arrest without warrant, only after informing the Magistrate having jurisdiction to inquire into or try the offence

**100. Permission to investigate into a non. cognizable offence can be granted by a:**

(a) Magistrate in any part of India

(b) Magistrate in any part of State

(c) Magistrate having jurisdiction to try the case

(d) Session Judge