

**MADHYA PRADESH JUDICIAL SERVICE****Preliminary Exam, 2007****1. which document. of not admissible without formal proof**

- (a) Admitted Document
- (b) Medical Report
- (c) Report of Chief Inspector of Explosives
- (d) Report of a Director of the Fingerprint Bureau

**2. What is not true?**

**Magistrate may discharge the accused if complainant is absent on date of hearing" if offence is:**

- (a) Compoundable or
- (b) Non-cognizable
- (c) Before charge has been framed
- (d) Provision would be applicable for complaint case and police case both

**3. When a surety to a bond dies before the bond is forfeited. The liability in respect of bond:**

- (a) Shall not be discharged
- (b) Shall be discharged
- (c) Court has discretion to remit any portion
- (d) There is no provision

**4. As soon as the judgment or final order disposing of a case is signed:**

- (a) Court may alter the sentence
- (b) Review the judgment
- (c) Correct a clerical error
- (d) May begin retrial of the case

**5. Appeal in case of acquittal by a Magistrate may lie in:**

- (a) High Court
- (b) Sessions Court
- (c) CJ. M's Court
- (d) No appeal lie

**6. What is the time limit of Section 468 of CrPC for taking cognizance in a case of defamation?**

- (a) Six months
- (b) One year

(c) Three years

(d) No limit

**7. What is the meaning of "Not proved" under Evidence Act?**

(a) Fact does not exist

(b) Non-existence probable

(c) Court has doubt

(d) Neither proved nor disproved

**8. A is accused of the murder of B by beating him. What is not admissible as evidence?**

(a) Whatever was said by A or B or by standers at the time of beating

(b) A has intention for murder of B

(c) Marks on the ground of struggle between A and B

(d) A is a man of bad character

**9. Facts not otherwise relevant become relevant if they are inconsistent or makes highly probable or improbable any fact-in-issue or a relevant fact**

(a) Cannot be relevant

(b) Relevant U/s 11 of Evidence Act

(c) Relevant U/s 9 of Evidence Act

(d) Relevant U/s 7 of Evidence Act

**10. A rustic woman in apprehension of assault and maltreatment makes a confession for murder of her mother-in-law at the Village Panchayat. Whether this confession is admissible?**

(a) As extra-judicial confession

(b) Inadmissible due to involuntariness

(c) As a supporting evidence to the fact deposed by the other witness

(d) Partly admissible

**11. Provisions Section 32 (1) of Evidence Act are attracted, where what is not true?**

(a) The cause of death is required to be ascertained

(b) The deceased statement is related to the cause of death

(c) To circumstances connected with death

(d) Verbal statement is not admissible

**12. What type of secondary evidence relating to public documents may be given?**

(a) Oral evidence about contents

(b) Certified copy of the document

- (c) Photostat copy
- (d) Written admission

**13. What is not true about the mode of proof for a Will?**

- (a) One attesting witness at least to be examined
- (b) No necessary to call any attesting witness if Will has been registered
- (c) Not proof required if it is admitted by an heir of the executant
- (d) Where attesting witness not found handwriting of attesting witness and signature of executant must be proved

**14. Execution of document may be presumed if the document is to be old:**

- (a) Ten years
- (b) Twenty years
- (c) Thirty years
- (d) Forty years

**15. Who may not testify?**

- (a) An accomplice
- (b) Child
- (c) Dumb person
- (d) Lunatic- who is unabated understanding question and to give a rational answer

**16. What is not true?**

- (a) Witness may be cross-examined as to previous statement in writing
- (b) Leading question may be asked in cross. examination
- (c) Person called to produce document can, be cross-examined
- (d) Party calling the witness may cross. examine him with the permission of Court

**17. What are privileged documents?**

- (a) Statement in departmental enquiry
- (b) Any communication between Chief Minister and Governor of State
- (c) The accident register kept by a medical practitioner
- (d) A defamatory imputation about a person in the instructions to an advocate

**18. "Civil death" may be presumed, if it is proved that one has not been heard of for:**

- (a) 10 years
- (b) 20 years
- (c) 12 years
- (d) 7 years

*From Student to Lawyer to Judge*

**19. When did M.P. Accommodation Control Act, 1961 become applicable?**

- (a) From 30th November 1961
- (b) From 30th December 1961**
- (c) From 15th November 1961
- (d) From 15th December 1961

**20. What is not included in accommodation' as defined under M.P in Accommodation Control Act, 1961?**

- (a) Part of building
- (b) Garden
- (c) Garage
- (d) Government's school building**

21. A landlord can increase the standard rent per year:

- (a) 10%**
- (b) 12%
- (c) 14%
- (d) 15%

**22. B is a tenant in a shop of landlord A, situated in the city of Gwalior for the last 11 years, Court has passed a decree of eviction. What compensation shall be paid by landlord?**

- (a) Not liable to pay any compensation
- (b) Equal to double the amount of the annual standard rent**
- (c) Equal to the amount of the annual standard rent
- (d) Lump-sum amount Rs. 3.000

**23. What is not correct: Landlord recovered possession of any Accommodation in pursuance of a decree on the ground of bonafide requirement for self residence. Then he without permission of the rent control authority:**

- (a) Shall never re-let the accommodation
- (b) Shall no re-let the accommodation within 6 months
- (c) Shall not re-let the accommodation within one year
- (d) Shall not re-let the accommodation within 2 years**

**24. On being repaired and constructed the Accommodation in pursuance of a decree on the ground for repairing and reconstruction of the accommodation in how much time a tenant may recover possession of the accommodation?**

- (a) Within two months
- (b) Within one month**

(c) Within three months.

(d) Within six months

**25. A landlord cannot recover possession under Section 20 M.P. Accommodation Control Act 1961 in one of the following conditions:**

(a) the tenant has ceased to be in the employment of the landlord.

(b) the tenant has contravened the agreed terms

(c) the accommodation is required bonafide by the public institution for the furtherance of its activities

(d) **The tenant has not paid the rent**

**26. Rent control authority shall decide. as far as may be an application under Section 23A of M.P. Accommodation Control Act, 1961 within the following time:**

(a) Two months

(b) Three months

(c) **Six months**

(d) Twelve months

**27. Revision against the order passed by the rent control authority shall lie:**

(a) Before District Court

(b) **Before High Court**

(c) Before Collector

(d) Before Commissioner

**28. Landlord has withhold the supply of water, tenant can submit complaint before whom?**

(a) Collector

(b) Sub-divisional Officer

(c) **Rent Control Authority**

(d) Sub-divisional Magistrate

**29. Any offence punishable under the M.P. Accommodation Control Act, 1961 shall be tried by:**

(a) Any Magistrate

(b) **Magistrate First Class**

(c) Magistrate Second Class

(d) Sub-Divisional Magistrate

**30. Landlord files a suit for eviction on the ground of bonafide requirement for self residence. He must send notice to tenant:**

(a) **Before one month**

- (b) Before two months
- (c) No notice is required
- (d) Before three months

**31. Which one of the following properties may be transferred?**

- (a) Mere Easement
- (b) A right to future maintenance
- (c) Immovable property
- (d) A mere right to sue

**32. A transfers Rs. 5,000 to his niece B if she will desert her husband. The transfer is:**

- (a) Voidable
- (b) Void
- (c) Legal
- (d) Enforceable

**33. A transfers Rs. 5,000 to B on condition that he shall marry with the consent of 'C', 'D' and 'E'. E dies. B marries with the consent of 'C' and 'D'. Is it deemed that:**

- (a) 'B' has fulfilled the condition
- (b) 'B' has not fulfilled the condition
- (c) Condition became void
- (d) Condition became illegal

**34. A, a Hindu, who has separated from his father 'B' sells to 'C' three fields 'XY' and 'Z' representing that 'A' is authorized to transfer these fields, does not belong to 'A' but on 'B's' death 'A' as heir obtains 'Z'. 'C' did not rescind the contract:**

- (a) Contract became infructuous
- (b) 'C' may require 'A' to deliver 'Z' to him
- (c) Contract is void
- (d) Contract is unenforceable

**35. 'A' owing half share and 'B' and 'C' each a quarter share of mauza Sultanpur exchange one-eighth share of that mauza for a quarter share of mauza Lalpura. There being no agreement to contrary. 'A' is entitled to an eighth share in Lalpura and 'B' and 'C' each entitled to: -**

- (a) One-fourth share
- (b) One-eighth share
- (c) One-half share
- (d) One-sixteenth share

**36. Transfer of property pending suit thereto, the transfer shall be:**

- (a) Void
- (b) Affected subject to the decree or order of the Court.
- (c) Illegal
- (d) Infructuous

**37. What is not correct-the liabilities of the seller is that he is:**

- (a) to disclose to the buyer any material defect in the property
- (b) to produce to the buyer for examination all documents of title relating to the property
- (c) not to answer to the best of his information all the relevant questions put to him by the buyer in respect of the title.
- (d) to give possession to the buyer as its nature admits

**38. Where the principal money secured is 100 rupees a mortgage, other than a mortgage by deposit of title deeds. What is not correct about it?**

- (a) Must be signed by the mortgagor
- (b) Must be attested by at least two witnesses
- (c) Can be affected by oral agreement.
- (d) Must be by a registered instrument

**39. Mortgaged property in possession of the mortgagee has, during the continuance of the mortgage received any accession upon redemption in the absence of a contract to the contrary. Who shall be entitled to such accession?**

- (a) Mortgagee
- (b) Mortgagor
- (c) Mortgagee and mortgagor in equal share
- (d) None of the above

**40. A lease of immovable property does not determine:**

- (a) By efflux of the time limited thereby
- (b) On death of the lessor
- (c) By surrender
- (d) Where such time is limited, conditionally on the happening of some event by the happening of such time

**41. 'A' made a gift of property to 'B'. Before, acceptance by 'B' 'A' dies. Gift is:**

- (a) Legal
- (c) Void
- (b) Illegal

(d) Voidable

**42. 'A' owes money to 'B' who transfers the debt to 'C'. 'B' when demands the debt from 'A' who not having received notice of the transfer as prescribed in Section 131 of the T.P. Act, 1882 pays 'B'. The payment is:**

(a) Legal

(b) Illegal

(c) Enforceable,

(d) Not enforceable

43. The agreement which is not enforceable. legally-is called:

(a) Voidable

(b) Void

(c) Illegal

(d) Voidable contract

**44. A agrees to sell a horse worth Rs. 1,0000 for Rs. 10. A's consent to the agreement was freely given. The agreement is:-**

(a) Voidable

(b) Void

(c) Contract

(d) Illegal

**45. Which one of the following ingredients is not necessary for contract?**

(a) Proposal

(b) Acceptance

(c) Consideration

(d) Immovable Property

**46. All illegal contracts are void but all void contracts are not:**

(a) Legal

(b) Illegal

(c) Enforceable

(d) Voidable

**47. 'A' intending to deceive 'B' falsely represents that five hundred tons of indigo is made at A's factory and thereby induce 'B' to buy the factory. The contract is:**

(a) Void

(b) Voidable at the option of 'A'

(c) Voidable at the option of 'B'

*From Student to Lawyer to Judge*



(d) Illegal

**48. 'A' promises to maintain 'B's child 'B' promises to pay 'A' Rs. 1,000 yearly for the purpose. The consideration is:**

(a) Lawful

(b) Unlawful

(c) No consideration

(d) None of these

**49. A' agrees to sell to 'B' a hundred tons of oil. There is nothing whatever to show what kind of oil was intended. The agreement is:**

(a) Voidable

(b) Void

(c) Enforceable

(d) Non-enforceable

**50. A agrees to pay 'B' a sum of money. if 'B' marries 'C'. 'C' marries 'D'. The agreement is:**

(a) Void

(b) Voidable

(c) Legal

(d) Illegal

**51. 'A' promises to paint a picture for 'B' within 10 days at a price of Rs. 1,000. 'A' dies before the days. The contract is:**

(a) Enforceable

(b) Non-enforceable

(c) Voidable

(d) Void

**52. 'A' contracts to sing for 'B' at a concert for Rs. 1,000 which are paid in advance. 'A' is too ill to sing. Then:**

(a) 'A' must refund to 'B' Rs. 1,000 paid in advance

(b) 'A' must not refund to 'B' Rs. 1,000 paid in advance

(c) 'B' can receive compensation from 'A'

(d) None of the above

**53. 'A', a tradesman leaves his goods at B's house by mistake . 'B' uses the goods as his own. Then:**

(a) B need not pay to A

(b) B is bound to pay A

(c) There is no contract

(d) None of the above

**54. 'A' in consideration that 'B' will employ C' in collecting the rent of B's Zamindari, promises 'B' responsible to the amount of Rs. 5,000 for the due collection and payment by 'C' of those rents. This is:**

(a) No guarantee

(b) Simple guarantee

(c) Continuing guarantee

(d) None of these

**55. When did M.P. Land Revenue Code 1959 come into force?**

(a) 1.10.1959

(b) 1.11.1959

(c) 2.10.1959

(d) 2.11.1959

**56. Agriculture' does not include:**

(a) Garden product

(b) Biza plantation

(c) Thatching grass

(d) Grazing grass

**57. The distribution of cases amongst the President and members of the Board of Revenue shall be done by:**

(a) State Government

(b) High Court

(c) Governor

(d) Chairman, Board of Revenue

**58. The limitation for filing appeal before Collector, against the order passed by Revenue Officer is:**

(a) 30 days

(b) 45 days

(c) 60 days

(d) 90 days

**59. Revision shall lie against the order passed by the Tahsildar:**

(a) Before Commissioner

(b) Before Collector

(c) Before Sub-divisional officer

(d) Before superintendent land records

**60. Any dispute regarding rights in the land arises under Section 57(1) M.P. Land Revenue Code 1959 between State Government and any person shall be decided:**

- (a) By Tahsildar
- (b) By Collector
- (c) By Sub-divisional officer
- (d) By State Government for State ownership in all

**61. Patwaris' circles are framed:**

- (a) By State Government
- (b) By Commissioner
- (c) By Board of Revenue
- (d) By Collector

**62. On dispute regarding entry in Khasra, any person shall apply to the Tahsildar for its correction from the date of such entry:**

- (a) Within one month
- (b) Within six months
- (c) Within twelve months
- (d) Within twenty four months

**63. There shall be one class of tenure holders of land to be known as:**

- (a) Leaseholder
- (b) Bhumiswami
- (c) Agriculturist
- (d) Zamindar

**64. Bhumiswami shall not transfer the land without permission, if he is of:**

- (a) Other Backward Class
- (b) Scheduled Caste
- (c) Aboriginal Tribe
- (d) Ex-Zamindar

**65. Bhumiswami who cannot lease her land for more than one year:**

- (a) Widow
- (b) Married woman
- (c) Unmarried woman
- (d) Deserted woman

*From Student to Lawyer to Judge*

**66. Village Penal is appointed by:**

- (a) Collector
- (b) Sub-divisional officer
- (c) Tahsildar
- (d) Revenue Inspector

**67. Wajib-ul-arj shall not record:**

- (a) Right for Irrigation
- (b) Right to drinking water
- (c) Right to way
- (d) Right to fishing

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**68. Aggrieved person may not apply for a review of an order or judgement of a Civil Court, on one of the following grounds:**

- (a) A decree or order from which an appeal is allowed but from which no appeal has been preferred
- (b) A decree or order is passed in the absence of aggrieved person
- (c) A decree or order from which no appeal is allowed
- (d) A decision on a reference from a court of small cause

**69. Order for disposal of property at conclusion of trial by Criminal Court. What is not correct?**

- (a) By destruction
- (b) By confiscation
- (c) Delivery to any person claiming to be entitled to possession
- (d) By declaration of title of any person to the ownership of property

**70. Judge has power to put question or order production of document. What is not true?**

- (a) Parties shall not be entitled to make objection to any such question or order
- (b) Parties shall be entitled to cross-examine the witness upon answer given in reply of such question as a right
- (c) Without the leave of Court party shall not be entitled to cross-examine
- (d) Judge shall not be entitled to compel any witness to answer or produce document which is refusible under section 121 to 131 Evidence Act

**71. Suit for partition of immovable property shall be instituted in the Court where:**

- (a) Plaintiff resides
- (b) Plaintiff carries on his profession
- (c) Subject matter is situated
- (d) With the permission of the District Judge. in any Court

**72. Court may make order for the payment of Compensatory costs from any party submitting false claim or defence:**

- (a) up to Rs. 5,000
- (b) up to Rs. 3,000
- (c) up to Rs. 1,000
- (d) Any amount without limit

**73. Question which shall be determined by the Court executing decree:**

- (a) Decree obtained by fraud
- (b) Whether any person is or is not the representative of a party
- (c) Decree obtained by collusion
- (d) None of the above"

**74. The property which is not liable to attachment and sale in execution of decree:**

- (a) Government securities
- (b) Promissory Note
- (c) Books of Account
- (d) Bond

**75. Court may not issue a commission:**

- (a) to examine any person
- (b) to examine accounts
- (c) to perform any ministerial act
- (d) to arrest a person

**76. Which of the following is not correct regarding powers of appellate court?**

- (a) Have power to determine a case finally
- (b) Have power to remand the case
- (c) Not have power to take additional evidence
- (d) Have power to frame issue and refer them for trial

*From Student to Lawyer to Judge*

**77. The plaint shall not be rejected in one of the following conditions:**

- (a) Where it does not disclose a cause of action
- (b) Where it is not submitted by an advocate**
- (c) Where the relief claimed is undervalued and it is not corrected after the order of Court
- (d) Where the suit appears from the statement in the plaint, to be barred by law

**78. Auction purchaser shall pay full of purchase money:**

- (a) within 7 days
- (b) within 15 days**
- (c) within 21 days
- (d) within 30 days

**79. Which one of the following is not essential condition for application of Res Judicata?**

- (a) Previous suit was finally heard and decided by the Court of Competent Jurisdiction
- (b) Previous suit must be pending before a Court**
- (c) Parties in previous and the subsequent suits must be the same
- (d) Subject matter of previous and the subsequent suits must be the same

**80. Proceeding in a suit, relating to minor shall not be stayed:**

- (a) On retirement of the next friend of a minor
- (b) On attaining the majority by the minor**
- (c) On removal of the next friend of a minor
- (d) On death of the next friend of a minor

**81. Temporary injunction may be granted:**

- (a) To restrain any election
- (b) To restrain dispossession from property**
- (c) To restrain any intended disciplinary action against public servant
- (d) To restrain the result of any adverse entry against the public servant

**82. In how much time, respondent may file cross-objections from the day of service of the notice of the hearing of appeal?**

- (a) In 45 days
- (b) In one months**
- (c) In 45 days
- (d) In 21 days

*From Student to Lawyer to Judge*

**83. What is not movable property under Section 22 I.P.C.?**

- (a) Soil
- (b) Cheque
- (c) Tree
- (d) Fish in a tank in

**84. What is not correct about the self defence?**

- (a) Nothing is offence which is done in exercise of right of private defence
- (b) Right of private defence is extended to causing death in the case of robbery
- (c) Right of private defence is extended to causing death in defamation case
- (d) There is no right of private defence, if there is time to have recourse to the protection

**85. A instigates B to murder C. B refuses to do so:**

- (a) B is guilty of abetment
- (b) A is guilty of abetment of murder
- (c) A and B both are guilty of abetment
- (d) None of the above

**86. Y holds Z down and fraudulently takes Z's money from Z's clothes without Z's consent, Y has committed:**

- (a) Theft
- (b) Extortion
- (c) Dishonest misappropriation of property
- (d) Robbery

**87. Which ingredient is not essential for rioting?**

- (a) Unlawful assembly of five or more persons
- (b) Common object of the unlawful assembly as specified under 141
- (c) Accused joined or continued in unlawful assembly
- (d) There must be definite disturbance of the public peace on public place

88. Minimum sentence for "Ten years imprisonment" is necessary for which of these offences:

- (a) Section 326 voluntarily causing grievous hurt by dangerous weapon
- (b) Section 376 (2) Gang rape
- (c) Section 395 Dacoity
- (d) Section 409 Criminal breach of trust by a public servant

**89. 'A' without any excuse fires a gun shot into a crowd of persons kills of them- A is guilty of:**

- (a) Murder-Section 302
- (b) Causing death by negligence-Section 304(A)
- (c) Culpable homicide not amounting to murder-Section 304(A)
- (d) No offence

**90. A is accused of rape. What defence is permissible to him according to law:**

- (a) They love each other and want to marry
- (b) He lost his control under circumstances
- (c) She consents to the act of sexual intercourse
- (d) None of the above

**91. What punishment may be awarded for the offence voluntarily causing hurt to deter a public servant from his duty under Section 332 I.P.C.?**

- (a) Imprisonment up to three years or fine or both
- (b) Imprisonment up to live years and fine or both
- (c) Imprisonment up to seven years and fine or both
- (d) Imprisonment up to ten years and fine or both

**92. A makes an attempt to steal some jewels by breaking open a box and finds there no jewel in it. A is guilty of attempt of theft. What punishment may be awarded to him:**

- (a) The same punishment as for theft
- (b) One half of the term of imprisonment provided for the offence of theft or with such fine as provided for the offence or with both
- (c) Express provision is provided for the punishment "Attempt to Theft" in Indian Penal Code
- (d) Only Fine

**93. What ingredient is not necessary for the offence punishable under Section 279I.P.C. (Rash driving on public way):**

- (a) Driving of Vehicle
- (b) On a public way
- (c) Such driving must be so rash or negligent as to endanger human life
- (d) Persons were on road

**94. A and B agree to fence with each other amusement. A while playing fairly hurts**

- (a) A is liable for voluntarily causing hurt
- (b) A is liable for assault

*From Student to Lawyer to Judge*



(c) A has committed no offence

(d) A is liable to compensate B

**95. What offence is bailable?**

(a) Mentioned as bailable offence in Schedule of CrPC

(b) All cases of summons trial

(c) All non-cognizable offences

(d) All cases which are not triable by session

**96. Warrant may be issued in lieu or in addition to summons "Recording of reasons in writing" is a condition precedent.**

(a) Is this statement true

(b) Is this statement not true

(c) Depends on discretion of Court

(d) There is no such provision

**97. Who may claim for maintenance under Section 125 of CrPC?**

(a) Wife who has her own source of income

(b) Illegitimate minor child

(c) Stepson or daughter

(d) Brother and sister

**98. A minor girl lived with her father at Indore. She became intimate with the accused' and ran away with the accused from Indore to Bhopal in a taxi. After some time they eventually settled in Mumbai. An offence of kidnapping may be tried:**

(a) at Indore

(b) at Bhopal

(c) at Mumbai

(d) at any place mentioned above

**99. Who may record a confessional statement under Section 164 Cr.P.C.?**

(a) Police officer

(b) Executive officer

(c) Judicial Magistrate who has jurisdiction only

(d) Any Judicial Magistrate

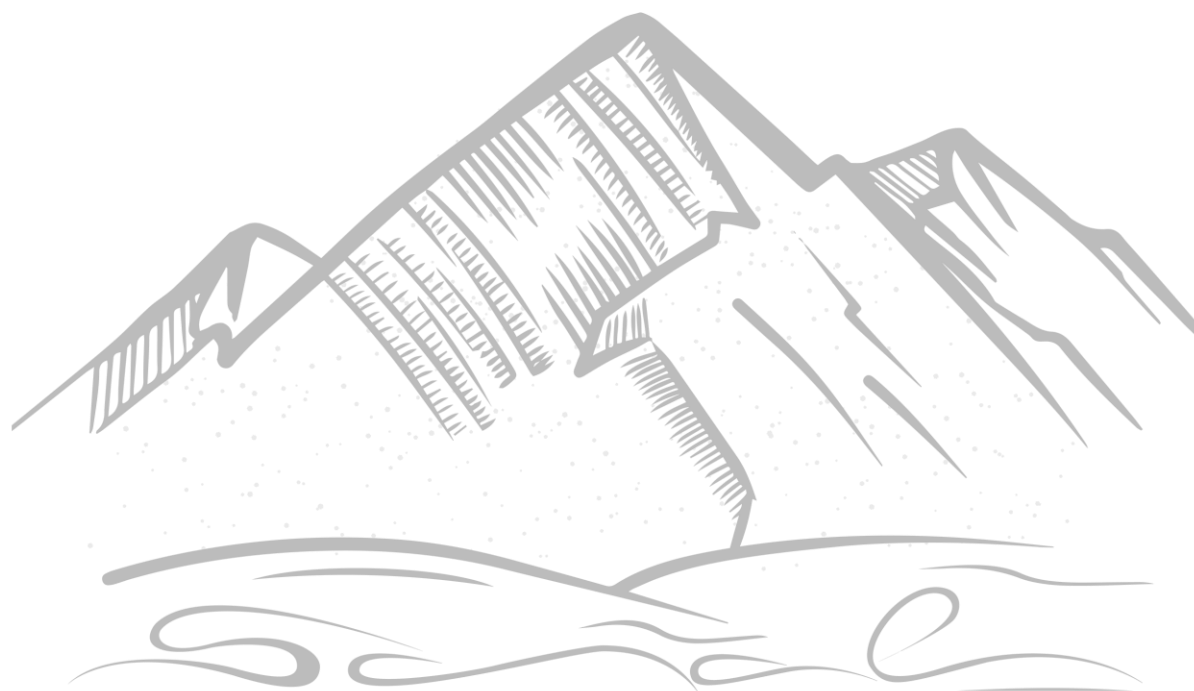
**100. Who may complain for Bigamy' under Section 494 I.P.C?**

(a) Mother, Father, Brother or Sister on behalf of wife

(b) Police

(c) Any social institute

(d) None of the above



*From Student to Lawyer to Judge*