



GUJARAT JUDICIAL MAINS EXAM 2020

Law PAPER-I (CRIMINAL)

1. Answer the following questions in detail : (Any four) [24]
- (1) Discuss the provisions of the Code of Criminal Procedure, 19 with regard to maintenance of wives, children and parents
 - (2) Discuss the essential elements of Criminal conspiracy with the punishment prescribed for it.
 - (3) What is the difference between "Fact in issue" and "Relevant fact"?
 - (4) Discuss the facts which are required to be proved for establishing the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Who can file the complaint for this offence?
 - (5) What kind of residence orders can be passed by the Magistrate in favour of the aggrieved person in the proceedings under the Protection of Women from Domestic Violence Act, 2005?
2. Write short notes : (Any four) [24]
- (1) Charge
 - (2) Common intention and common object
 - (3) Wrongful restraint and wrongful confinement
 - (4) Confessions made in police custody
 - (5) Bail under Section 167(2) of the Code of Criminal Procedure, 1973.
3. Write the answer in brief: [10]
- (1) What is the period of imprisonment which an under trial prisoner is required to under go for Section 436-A of the Code of Criminal Procedure, 1973?
 - (2) Who is duty bound to assist the functions under the Protection of Women from Domestic Violence Act, 2005?
 - (3) What is the full name of the Act which prohibits selection of sex?
 - (4) Whose duty it is, to give information to the Register about any birth or death in a hospital?
 - (5) The person found guilty of committing offences punishable under which Sections of the Indian Penal Code, 1860 may be released after due admonition?
 - (6) Which defence is not allowed in any prosecution under section 138 of the Negotiable Instruments Act, 1881?
 - (7) Name any two facts of which the Court shall take judicial notice under Section 57 of the Indian Evidence Act, 1872
 - (8) Within what time, an inquiry against a child alleged to be in conflict with law must be completed by the Juvenile Justice Board?
 - (9) Which cases are warrant cases?
 - (10) What are the ingredients of the offence of rioting?
4. State whether true or false : [7]





- (1) Section 320 of the Code of Criminal Procedure, 1973 deals with withdrawal of prosecution.
- (2) Cognizance of an offence punishable under Section 188 of the Indian Penal Code, 1860 cannot be taken except on the complaint in writing.
- (3) When a heinous offence is alleged to have been committed by a child above the age of sixteen, such a child can be tried as an adult.
- (4) When an original document has been lost, its contents cannot be proved by secondary evidence.
- (5) When the cheque is issued for payment of donation, the proceedings for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 would not be maintainable against the drawer upon dishonour of such cheque.
- (6) A person who is found guilty of an offence is released on probation of good conduct shall not suffer disqualification because of such conviction.
- (7) An application for any relief under the provisions of the Protection of Women from Domestic Violence Act, 2005 is to be filed before the Family Court.

5. Write a reasoned order either allowing or dismissing the application. [10]

X, being an accused for offences punishable under Sections 419, 420, 468, 471 of the Indian Penal Code, 1860 has preferred an application for bail under Section 437(6) of the Code of Criminal Procedure, 1973.

The facts of the case are such that an FIR for offences mentioned herein above was lodged by the complainant inter alia alleging that a fictitious account was opened in his name in the bank and transactions worth crores of rupees were done unauthorizedly from the said account. Though X was not named in the FIR as an accused, since his involvement in the offence was revealed during investigation, charge sheet for the above referred offences was filed against X.

It is contended by X in the present application dated 23/09/2008 that charge was framed against him in the present case on 25/06/2008 and the date for taking evidence was fixed on 05/07/2008. Till the filing of the present application, trial against X has not concluded in 60 days as mandated in Section 437(6) of the Code of Criminal Procedure, 1973. That X was in no way responsible for any delay in conclusion of trial. That the provision of Section 437(6) is mandatory in nature. Therefore, X be enlarged on bail.

The application is opposed by prosecution inter alia contending that X was holding the position of Manager in the bank and by misusing his position and by conniving with other accused, he had opened a bogus account and transactions of crores of rupees were done defrauding and cheating the bank. Thus, present is the offence serious in nature. It is also contended that 16 out of 19 witnesses have already been examined in the case. That the provision of Section 437(6) of the Code of Criminal Procedure, 1973 is discretionary and not mandatory.





PAPER - II (CIVIL)

1. Write short notes : (Any four)

[28]

- (1) Rejection of plaint
- (2) Void and Voidable contracts
- (3) Doctrine of holding out
- (4) Temporary injunction
- (5) Contingent contract

2. Answer in detail : (Any two)

[14]

- (1) What is the difference between preliminary and final decree?
- (2) All contracts are agreements but all agreements are not contracts. Explain.
- (3) The relation of partnership arises not from status but from Contract. Explain.

3. Write an essay only in English : (Any one)

[15]

- (1) Directive Principles of State Policy.
- (2) Environment Vs. Development.
- (3) Woman of India - from home maker to multitasker.

4. State whether the given statement is true or false:

[8]

- (1) The Code of Civil Procedure, 1908 does not permit the Court to correct any error arising in any judgement or order.
- (2) An Agreement in restraint of marriage is void.
- (3) An agreement for partnership containing a clause that a partner shall not carry on any business other than that of the firm, while he is a partner, is void in view of Section 27 of the Indian Contract Act, 1872.
- (4) A suit under Section 6 of the Code of Civil Procedure for recovery of an immovable property cannot be brought against the Government.
- (5) Period of limitation prescribed for a suit to obtain any declaration is twelve years.
- (6) Period of limitation for a suit for compensation for distress is one year.
- (7) A suit wherein the plaintiff is minor, cannot be withdrawn without the leave of the Court.
- (8) An agreement wherein both the parties are under a mistake of fact, is void.

5. Draw the order allowing or dismissing the application :

[10]

The plaintiff has filed a summary suit before the civil court against the defendant seeking recovery of Rs.75000/-. It is contended in the plaint that the defendant did not make payment of Rs.75000/- for the goods supplied by the plaintiff as per the invoice. Though notice in this regard was served upon the defendant, the defendant did not make any payment for the suit goods.





Upon service of summons, the defendant has filed an application seeking unconditional leave to defend inter alia contending that the suit under Order 37 of the Code of Civil Procedure, 1908 is not maintainable. It is also contended that the defendant had never purchased any goods as mentioned in the plaint from the plaintiff. That the signature of the defendant on the invoice is forged.





PAPER – III (GUJARATI LANGUAGE)

1. નીચેનાં વાક્યોની વાક્ય રચનામાં કોઈ અશુદ્ધિ રહેલ છે તે અશુદ્ધિ દૂર કરી વાક્ય ફરીથી લખો : [4]
 (1) દરેક વિદ્યાર્થીઓને શિક્ષા કરાઈ.
 (2) અહીં શુદ્ધ ગાયનું ધી મળે છે.
 (3) કોઈ પ્રશ્ન હોઈ તો પુછો
 (4) માતા અને બાળક રડવા લાગ્યું.
2. સૂચના મુજબ જવાબ આપો : [4]
 (1) સંધિ છૂટી પાડો
 (i) શૂલપાણેશ્વર
 (ii) મરણોન્મુખ
 (2) સંધિ જોડો :
 (i) રવિ + ઇન્દ્ર ને
 (ii) પુત્ર + એષણા
3. નીચે આપેલા શબ્દસમૂહ માટે એક શબ્દ લખો : [4]
 (1) પોતાનાં વખાણ પોતે જ કરવા તે
 (2) પતિ-પત્નીનું લગ્નજીવન
 (3) આ લોકમાં મળે નહીં તેવું
 (4) આવવા જવા પર પ્રતિબંધ.
4. નીચેના આપેલા શબ્દોના સમાનાર્થી શબ્દો જણાવો [4]
 (1) તિતિક્ષા
 (2) મયંક
 (3) ભાર્યા
 (4) ગારુડી
5. નીચેના શબ્દોના વિરુદ્ધાર્થી શબ્દો જણાવો ? [4]
 (1) ઔચિત્ય
 (2) બૃહત
 (3) સત
 (4) યાવત ચંદ્ર દિવાકરી
6. નીચે આપેલી કહેવતોનો અર્થ જણાવો : [4]
 (1) પોથીમાંનાં રીંગણાં
 (2) ચાલતા બળદને આળ ખોસવી
 (3) હસવું અને લોટ ફાકવો
 (4) ઊંટે કર્યા ઢેકા તો માણસે કર્યા કાઠા
7. નીચે આપેલા રૂઢિપ્રયોગોનો અર્થ આપી તે રૂઢિપ્રયોગનો વાક્યમાં પ્રયોગ કરો : [10]





- (1) ઘર પૂછતા આવવું
- (2) ગોળનાં પાણીએ જાવું
- (3) ઘાસ કાપવું
- (4) એક લાકડીએ હાકવું
- (5) માથું મારવું

8. નીચે આપેલા ફકરાનું અંગ્રેજીમાં ભાષાંતર કરી :

[8]

દુનિયાના ઇતિહાસમાં એક પણ મત એવો નથી આથમ્યો કે મારે જે દેશો વચ્ચે, બે પ્રાંતો વચ્ચે, બે સમુદાયો વચ્ચે યુદ્ધ ને ગાણ ન થયા હોય, ત્યારે બે પક્ષો પાડતા હોય ત્યારે સ્વાભાવિક જ છે કે એક પક્ષ પ્રાપ્તિ થાય છે, અને બીજો પણ વિજય પ્રાપ્ત કરે છે વિજયી પક્ષ સત્ય અને ન્યાય પોતાના પક્ષે હોવાથી પોતે વિજય પ્રાપ્ત કર્યો છે એવી બુલંદ ધોષણા કરવા માંડે છે. દુનિયાનો ઇતિહાસ તપાસીએ ત્યારે એવા સંખ્યાબે મુદ્દો જરૂર સામે આવે છે કે જેમાં દેખીતી રીતે જ સત્ય અને ન્યાય પરાજિત થયા હોય. યુદ્ધ બળવાન અને બૃહભાજપ જીતે છે, અને છેલ્લો શો ડોઈક કુદરતી કારણ જ યુદ્ધનું પરિણામ નિર્માણ કરે છે. યુદ્ધના બંને પક્ષો પોતાના પક્ષે મરી ખૂટેલાઓને શહીદ કહીને એમની પૂજા કરે છે. જે આપણા પક્ષે શહીદ છે એ સામા પક્ષે તો આકડો, લૂંટારાઓ, હુમલાખોરો ઈત્યાદિ હોય છે.

9. નીચેના ફકરાનું ગુજરાતીમાં ભાષાંતર કરી :

[8]

The role of the mother in the development of a child's personality can never be doubted. A child gets the best protection through the mother. It is a most natural thing for any child to grow up in the company of one's own mother. The company of the mother is the most natural thing for a child. Neither the father nor any other person can give the same kind of love, affection, care and sympathies to a child as that of a mother. The company of a mother is more valuable to a growing up female. Unless there are compelling and justifiable reasons, a child should not be deprived of the company of the mother. The company of the mother is always in the welfare of the minor child. The court is of the view that the mother should not be deprived of her right especially considering the tender age and the child being a girl child.

