



GUJARAT JUDICIAL MAINS EXAMINATION 2019

PAPER - I

CRIMINAL

Time : 2½ Hours

Total Marks : 75

- 1. Answer the following questions in detail: (any four) 24**
 - (1) Discuss the entire process to compel appearance of a person before the Criminal Court.
 - (2) What is the difference between relevancy of an evidence and admissibility of an evidence?
 - (3) Discuss the liability of a company for an offence punishable under Section 138 of the Negotiable Instruments Act.
 - (4) What is abetment of an offence? How can it be committed? Discuss the relevant legal provisions in this regard.
 - (5) Discuss the fundamental principles to be kept in mind while implementing the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

- 2. Write short notes : (any four) 24**
 - (1) Protection Order
 - (2) Bail of Juvenile
 - (3) Hurt and Grievous Hurt
 - (4) Admissibility of electronic record
 - (5) Victim Compensation Scheme

- 3. Write the answer in brief : 12**
 - (1) What is to be presumed under Section 113 A of the Evidence Act?
 - (2) What orders can be passed by a Magistrate while dealing with an application under section 12 of the Protection of Women from Domestic Violence Act in favour of an aggrieved person?
 - (3) What are the disqualifications for being appointed as a member of a Juvenile Justice Board?
 - (4) For what the proceedings under Section 145 of the Code of Criminal Procedure, 1973 are meant? Who is empowered to conduct such proceedings?





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4. State whether true or false:

5

- (1) Cognizance of an offence punishable under the provisions of The Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 can be taken otherwise than upon a complaint made by the appropriate authority.
- (2) The offences punishable under The Immoral Traffic (Prevention) Act, 1956 are not triable by the Court of Session.
- (3) For an aggrieved person to get relief under The Protection of Women From Domestic Violence Act, 2005, she must be married to the respondent.
- (4) The State Government constitutes one juvenile Justice Board for the State.
- (5) An offence punishable under Section 312 of Indian Penal Code is compoundable.

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

An FIR is registered against one Mr. Kanubhai Ramanbhai Parmar, who is working as Deputy Mamlatdar in one of the talukas of the State, for offences punishable under Sections 406, 409 and 420 of IPC, wherein it is alleged that Mr. Parmar while working as Deputy Mamlatdar, was assigned the work of disbursement of house hold kits to the labourers working on scarcity project.

Mr. Parmar had procured the house hold kits to be given to the labourers but the same were actually not given to the labourers and that Mr. Parmar had also manipulated the official record to show that the kits were given to the labourers. Mr. Parmar was thus alleged to have committed offences as mentioned above.

The police authorities carried out investigation into the offence and filed Charge Sheet against Mr. Parmar for the alleged offences.

Mr. Parmar has filed an application under Section 239 of Cr.P.C. contending that the investigating agency has not obtained the sanction under Section 197 of Cr.P.C. before filing the Charge Sheet. That the statements of witnesses recorded by the investigating agency are not correct and that he has not misappropriated any Government material. That there are signatures of the witnesses on record for having received the house hold kits. It is submitted that the material placed by the investigating agency on record, is not sufficient for prosecuting the applicant for the alleged offences. Therefore, the application be allowed.





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The application is opposed on behalf of the State inter alia contending that the record clearly indicates that the applicant accused had procured the house hold kits to be given to the labourers but the same had not reached to the labourers. That the official records have also been manipulated to create an impression that the kits have been received by the beneficiary labourers. That the statements of the labourers recorded during the course of investigation also support the case of prosecution. Therefore, the application should be dismissed.



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PAPER - II (CIVIL)

Time : 2½ Hours

Total Marks : 75

1. **Write short notes: (any five)** 30
 - (1) Substituted Service
 - (2) Inter-pleader Suits
 - (3) Adverse possession
 - (4) Dissolution of partnership by Court
 - (5) Agreement in restraint of trade
 - (6) Contracts which cannot be specifically enforced

2. **Discuss in detail:** 15
 - (1) Abatement of suit and setting aside abatement
 - (2) Bailment and Pledge
 - (3) Rights and liabilities of incoming and outgoing partners

3. **Write an essay only in English: (any one)** 15
 - (1) Fundamental rights and fundamental duties.
 - (2) Corruption - a menace
 - (3) India - as a welfare state

4. **State whether true or false:**
 - (1) An outgoing partner agrees with the partnership firm not to carry on any business similar to that of the firm. Such an agreement is not valid.
 - (2) Section 5 of the Limitation Act applies to all proceedings under Civil Procedure Code.
 - (3) Where both the parties to an agreement are under at mistake as to a matter of fact essential to the agreement, the agreement is voidable.
 - (4) Before framing the issues, the court may examine the person who is not before the court.
 - (5) An order or decree passed under Section 6 of the Specific Relief of Act is neither appealable nor reviewable.

5. **Draw the order allowing or dismissing the application:**

The plaintiff has filed a Regular Civil Suit in the year 2010 before the Court seeking declaration to the effect that the suit land is an ancestral property and that the plaintiff is in possession of the suit land and that the defendants have no right, title or interest therein. The trial of the said suit has already commenced and the plaintiff has already examined himself before the court.

At this stage, in the year 2017, the plaintiff files an application under Order 6 Rule 17 and seeks to add the prayer for declaration that at the time of institution of the suit, the possession had been taken over by the defendants





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through high handedness and that the decree directing the defendant to handover peaceful and vacant possession of the suit land be passed in his favour.

Learned advocate for the applicant/plaintiff submitted before the court that it was clear from the record that the defendants had forcefully and illegally taken over the possession. That no harm is likely to be caused to the defendant if the application is allowed. That the nature of the suit is not going to be changed if the application is allowed. He submitted to allow the application.

The learned advocate for the defendants opposes the application inter alia submitting that the application has been filed after considerable delay and at the stage when trial has commenced. He submits to dismiss the application.

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PAPER - III (GUJARATI LANGUAGE)

Time : 1½ Hours

Total Marks : 50

1. નીચે આપેલા શબ્દોનો સમાનાર્થી શબ્દ જણાવી મૂળ શબ્દનો વાક્યમાં પ્રયોગ કરો : 8
(1) ભાયાતી
(2) માતેલું
(3) વારિઆરી
(4) ગોઠિયણ
2. નીચે આપેલા શબ્દોનો વિરુદ્ધાર્થી શબ્દ જણાવી તે વિરોધી શબ્દનો વાક્યમાં પ્રયોગ કરો : 8
(1) સોંઘવારી
(2) છડેયોક
(3) સાજું
(4) પાછોતર
3. નીચે આપેલા શબ્દોની જોડણી સુધારી વાક્યમાં પ્રયોગ કરો :
(1) અછત
(2) વિખુટું
(3) પરિશિષ્ઠ
(4) ડુંકાળું
(5) નૈસ્ત્યા
(6) પ્રતિષ્ઠીત
(7) પગથીયું
(8) મૂત્સદી
4. નીચે આપેલા રૂઢિપ્રયોગોનો અર્થ જણાવી તે રૂઢિપ્રયોગનો વાક્યમાં પ્રયોગ કરો : 10
(1) ઉલાળ ધરાળ ન હોવું
(2) વંઠી જવું
(3) પેંગડામાં પગ ઘાલવો
(4) હથેળીમાં ચાંદ બતાવવો
(5) અછોવાના કરવાં

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5. નીચેના ફકરાનું ગુજરાતીમાં ભાષાંતર કરો : 10

When I got the invitation to speak here, I decided to speak on an important topic on which I have pondered for years – the role of Western values in contemporary Indian society. Coming from a company that is built on strong

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values, the topic is close to my heart. Moreover, an organization is representative of society, and some of the lessons that I have learnt are applicable in the national context. In fact, values drive progress and define quality of life in society.

A community, then, is both one and many. It is a unified multitude and not a mere group of people. As it is said in the Vedas: Man can live individually, but can survive only collectively. Hence, the challenge is to form a progressive community by balancing the interests of the individual and that of the society. To meet this, we need to develop a value system where people accept modest sacrifices for the common good.

What is a value system? It is the protocol for behaviour that enhances the trust, confidence and commitment of members of the community. It goes beyond the domain of legality - it is about decent and desirable behaviour. Further, it includes putting the community interests ahead of your own. Thus, our collective survival and progress is predicated on sound values.

There are two pillars of the cultural value system - loyalty to family and loyalty to community. One should not be in isolation to the other, because, successful societies are those which combine both harmoniously. It is in this context that I will discuss the role of Western values in contemporary Indian society.

Some of you here might say that most of what I am going to discuss are actually Indian values in old ages, and not Western values. I live in the present, not in the bygone era. Therefore, I have seen these values practiced primarily in the West and not in India. Hence, the title of the topic. I am happy as long as we practice these values - whether we call it Western or old Indian values. As an Indian, I am proud to be part of a culture, which has deep-rooted family values. We have tremendous loyalty to the family. For instance, parents make enormous sacrifices for their children. They support them until they can stand on their own feet. On the other side, children consider it their duty to take care of aged parents.

We believe: Mathru devo bhava - mother is God, and pithru devo bhava - father is God. Further, brothers and sisters sacrifice for each other. In fact, the eldest brother or sister is respected by all the other siblings. As for marriage, it is held to be a sacred union - husband and wife are bonded, most often, for life. In joint families, the entire family works towards the welfare of the family. There is so much love and affection in our family life.

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6. નીચેના ફકરાનો અંગ્રેજીમાં અનુવાદ કરો :

10

સ્વરાજ્ય આવ્યું, પણ તેનાથી ગાંધીજીને સંતોષ નહોતો, ગાંધીજીને હતું કે સ્વરાજ્ય તો મળી ગયું, પણ એમાં કંઈ એમની આશાઓ જોઈએ તેવી ફળી નહોતી. ન ખાદી-ગ્રામોદ્યોગ વિશેની આશાઓ ફળી, ન શાંતિ સ્થાપવા વિશેની ફળી, કે ન તો અહિંસાના વિચાર અંગેની ફળી. એટલે કે એમના જીવનમાં જે બે મોટાં પાસાં હતાં, તે બંનેને અંગે એમના દિલમાં અસંતોષ રહ્યો. આનું વર્ણન ધ્યારેલાલજીના પેલા અદ્ભૂત ગ્રંથ ધ લાસ્ટ ફેઝમાં જોવા મળે છે. એટલે છેવટે એમનું તીવ્ર ચિંતન ચાલ્યા કરતું હતું. પોતાનાં બધાં કામોનું કંઈક નવસંસ્કરણ કરવાનું તેઓ વિચારતા હતા.

પરંતુ આ વાતને અમલમાં મૂકવાનો એમને મોકો ન મળ્યો, છેવટે એમણે એક સંમેલન સેવાગ્રામમાં બોલાવ્યું હતું. એમનો વિચાર હતો કે મારા બધા સાથીઓને ત્યાં એકત્ર કરીને કંઈક સમજાવીશ, પણ એમ થઈ શક્યું નહીં. સંમેલન મળ્યું ખરું, પણ બાપુના મૃત્યુ પછી. એમના ગયા પછી જ બધા સાથીઓ સેવાગ્રામમાં ભેગા થઈ શક્યા. ત્યારે માર્ગદર્શન આપવા માટે બાપુને આપણે આપણી વચ્ચે રહેવા દીધા

બાપુના ગયા પછી હું વિચારવા મંડ્યો કે હવે મારું કર્તવ્ય શું છે? ત્યારે મારા ધ્યાનમાં આવ્યું હતું કે મારે મારું સ્થાન છોડવું પડશે. સેવાગ્રામ સંમેલનમાં પંડિત નહેરુની સ્થિતિ જોઈને અને એમની માગણી થતાં મેં જાહેર કર્યું કે હું નિરાશ્રિતોની સેવા માટે પ્રયોગ તરીકે છ મહિના આપીશ. તે વખતે કેટલાક રચનાત્મક કાર્યકરોએ પંડિત નહેરુ વગેરે રાજદ્વારી નેતાઓ સમક્ષ રચનાત્મક કામ માટે સરકારી મદદની અપેક્ષા વ્યક્ત કરી હતી, પણ મેં ખાસ કરીને પંડિત નહેરુને સંબોધીને કહ્યું કે હું તમારી પાસેથી કોઈ જાતની મદદની અપેક્ષા નથી રાખતો, પણ તમારા કામમાં કંઈ મદદ દઈ શકું તેમ હોઉં, તો તે માટે રાજી છું.

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