



## Previous Year Paper

### JHARKHAND JUDICIAL PRELIMINARY EXAM 2008

- Recently, which Indian cricketer set a record by scoring the highest runs in Test Cricket?**  
(A) Saurav Ganguly  
(B) Sachin Tendulkar  
(C) Rahul Dravid  
(D) Yuvraj Singh Ans.(B)
- In the last Olympics at Beijing, who won the first ever individual Gold Medal for India?**  
(A) Bijender Singh  
(B) Abhinav Bindra  
(C) Sushil Kumar  
(D) Rajyavardhan Singh Rathore
- Till date, who is the only Indian to have been awarded the Nobel Prize for Literature?**  
(A) Ramdhari Singh Dinkar  
(B) Bankim Chandra Chatterjee  
(C) Rabindranath Tagore
- Which State of India has bagged two National Awards associated with tourism in 2008?**  
(A) Rajasthan  
(B) Kerala  
(C) Tamil Nadu  
(D) Gujarat
- What is the full name of the President of India?**  
(A) Pratibha Patil  
(B) Pratibha Devi Singh Patil  
(C) Pratibha Devi Patil  
(D) Pratibha Singh Patil
- Who propounded the theory that "the earth moves round the sun"?**  
(A) Galileo  
(B) Einstein





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- (C) Copernicus  
(D) Graham Bell
7. Gerontology is a branch of study related to diseases associated with  
(A) children  
(B) young adults  
(C) old age  
(D) women Ans.(C)
8. What is the title of the former US President Mr. Bill Clinton's auto biography?  
(A) My Days  
(B) My Life  
(C) My Story  
(D) My Years Ans.(B)
9. On which date of the year is 'World Environment Day' celebrated?  
(A) January 5  
(B) March 5  
(C) June 5  
(D) November 5 Ans.(C)
10. Who was the first Indian Prime Minister to address the UN General Assembly in Hindi?  
(A) Jawaharlal Nehru  
(B) Moraji Desai  
(C) Lal Bahadur Shastri  
(D) Atal Behari Vajpayee Ans.(C)
11. From amongst the choices given, which one of the clauses correctly completes the following sentence? shall have left this place by the time...  
(A) she will come  
(B) she would come  
(C) she comes  
(D) she will have come Ans.(A)
12. Such words as are similar in sound but different in meaning are called  
(A) synonyms  
(B) antonyms  
(C) homonyms  
(D) homophones Ans.(D)



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13. Select the appropriate 'article' to be filled in the blank in the given sentence He is SP
- (A) an  
(B) a  
(C) the  
(D) None of these Ans.(A)
14. Identify the 'figure of speech' that best defines the following sentence:  
The camel is the ship of the desert.
- (A) Simile.  
(B) Metaphor  
(C) Irony  
(D) Sarcasm Ans.(B)
15. Identify the part of speech' in which the word 'round has been used in the following sentence: The earth moves round the sun.
- (A) Noun  
(B) Preposition  
(C) Adjective  
(D) Adverb Ans.(D)
16. Identify the type of the sentence given below. John proposed that we should sing together:
- (A) Assertive  
(B) Optative  
(C) Exclamatory  
(D) Imperative Ans.(B)
17. Which underlined part of the given sentence contains an error If I was you
- (A) I would not  
(B) Agree to  
(C) That foolish proposal  
(D) Sarcasm Ans.(A)
18. Fill in the blank with appropriate preposition: I cannot come back a month.
- (A) before  
(B) in  
(C) within  
(D) between Ans.(B)
19. Give one word for the following group of words: A person aged between 60 and 70
- (A) Sexagenarian





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- (B) Quinquagenarian
- (C) Septugenarian
- (D) Nonagenarian Ans.(A)

20. Which one from amongst the choices given would mean the same as the following sentence? I feel an aching void.

- (A) I feel lonely
- (B) I feel pain
- (C) I feel hungry
- (D) I feel irritation Ans.(A)

21. A plaint is liable to be returned when.

- (A) Plant is on an insufficiently stamped paper valued in the plaint in a court having no
- (B) Plaint is not filed in duplicate
- (C) Relief is undervalued in the
- (D) Plaint is filed in a court having jurisdiction. Ans.(D)

**Exp.** Plaint is returned where –

- (a) it does not disclose a cause of action
- (b) relief claimed is undervalued:
- (c) it is barred by Law ;

(d) not filed in duplicate Rule 11, Order 7 C.P.C.

22. The expression "each party shall bear his own costs" implies that

- (A) Both the parties are entitled to cost from each other.
- (B) Both the parties are not to be deprived of costs
- (C) Both the parties are to be deprived of costs
- (D) Both the parties are not entitled to cost from each other Ans.(C)

**Exp.** Each party shall bear his own costs implies that both the parties are to be deprived of costs.

23. Which of the following questions is not to be determined by an executing court?

- (A) Discharge of decree
- (B) Execution of decree
- (C) Modification of decree
- (D) Satisfaction of decree Ans.(C)

**Exp.** All questions arising between the parties to the suit in which the decree was passed, or







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representatives and relating to the execution, discharge or satisfaction of the decree, shall be determined by the court executing the decree and not by a separate suit - Sec. 47 \$

(c) by arrest and detention in prison; or  
(d) by appointing a receiver; (c) in such other manner as the nature of the relief granted, may require.

**24. In which of the following cases the Supreme Court has upheld the validity of Section 51 of Code of Civil Procedure?**

- (A) Xavier v. Bank of Canara
- (B) The Visaka case
- (C) Indian Gramophone Co. v. Birenda Bahadur Pandey
- (D) Jolly George Verghese v. Bank of Cochin Ans.(D)

**Exp.** Section 51 of CPC provides for power court to enforce execution. Subject to s conditions and limitations as may te suit - Sec. 47(1) C.P.C. Powers of ect to such is may be prescribed, the Court may, on the application of the decree-holder, order execution of the decree

- (a) by delivery of property specifically decreed;
- (b) by attachment and the sale

**25. In which of the following cases the Supreme Court has upheld the constitutionality of the. Code of Civil Procedure (Amendment) Acts of 1999 and 20027**

- (A) Salem Advocate Bar Association, Tamil Nadu v. Union of India
  - (B) Delhi High Court Bar Association v. Union of India
  - (C) Allahabad High Court Bar Association v. Union of India
  - (D) Punjab and Haryana High Court .Bar Association v. Union of India
- Ans.(A)

**Exp.** In Salem Advocate Bar Association Tamil Nadu U.O.R. The S.C. held the constitutionality of CPC 1999 & 2002





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26. Which one of the following is a true statement in relation to Section 80 of Civil Procedure Code?

(A) A suit without service of notice can be instituted generally, with the leave of the court

(B) A suit without service of notice can be Instituted in cases of urgent or immediate relief, with the leave of the court

(C) In cases of urgent or immediate relief where leave to institute the suit without service of notice has been granted, interim or otherwise ex parte relief can be granted

(D) No suit under Section 80 can be Instituted without the compliance of the requirement of notice Ans (B)

**Exp.** A suit to obtain an urgent or immediate relief against the Government or any public officer in respect of any act pur porting to be done by such public officer In his official capacity, may be instituted with the leave of the court without serving any notice as required by sub-Section (1) --Sec. 80(2).

27. Match List-I with List- II and select the correct answer using the code give below the lists: List - I

- A. Set- Off
- B. Mesne Profit
- C. Indigent
- D. Subsistence

List -II

1. Amount paid by the decree holder for detention of the judgment debtor in civil prison.
2. Person allowed to file suit or appeal without court fee
3. Adjustment of defendant's claim with the plaintiffs claim
4. Gains from property by a person having wrongful possession.

Code

- |     |   |   |   |   |
|-----|---|---|---|---|
| (A) | A | B | C | D |
|     | 4 | 3 | 1 | 2 |
| (B) | A | B | C | D |
|     | 3 | 4 | 2 | 1 |
| (C) | A | B | C | D |
|     | 2 | 1 | 4 | 3 |
| (D) | A | B | C | D |
|     | 3 | 1 | 2 | 4 |

Ans.(B)





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**Exp.** (i) Amount paid by the decree holder for detention of the judgment debtor in civil prison- Subsistence (11) person allowed to file suit or appeal without court fee-Indigent suit (iii) Adjustment of defendant's claim with the plaintiffs claim- Set-off. (iv) Gains from property by a person having wrongful possession - Mesne Profit.

**28. Which of the following pairs is/are correctly matched?**

1. Right to file caveat- Section 148-A CPC
2. Pauper suit-Section 33, CPC
3. Privileged document-Section 29 C.E.C.
4. Power of appellate court- Section 102. CPC Code:

- (A) 1 only  
(B) 4 only  
(C) 1 and 2  
(D) 2,3 and 4 Ans.(C)

**Exp.** (1) Right to file caveat -Sec. 148-A  
(2) Pauper suit - Order 33  
(3) Power of Appellate court- Sec. 107.

**29. Mat List 1 with List II and select the correct answer using the code given below**

**the lists: List I**

- (A) Restitution afresh  
(B) Next friend  
(C) Legal representative  
(D) Garnishees List II

(1) Representative of a minor or a plaintiff of unsound mind in a civil suit

(2) Person representing the estate of the deceased

(3) Debtor of the judgment debtor liable for payment or delivery

(4) Setting aside ex parte decree and rehearing the case

**Code**

- (A) A B C D  
(B) A B C D  
(C) A B C D  
(D) A B C D

**Ans.(C)**

**30. In execution of a decree for the maintenance salary of a person can be attached to the extent of**





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- (A) One fourth
- (B) One third
- (C) Two third
- (D) One half Ans.(B)

**Exp.** No more than One-third of the salary in execution of any decree for maintenance is liable to be attached - Sec. 60 (i-a) of CPC.

**31. Order XVIII, Rule 4(1) of C.P.C. the examination-in-chief of a witness shall be recorded**

- (A) By the judge
- (B) By the Commissioner appointedule 4(1) of C.P.C. hief of a witness upon by notice to the court
- (C) On affidavit
- (D) All of the above Ans.(C)

**Exp.** Under Order XVIII, Rule 4(1) of the examination-in-chief of a shall be recorded on affidavit.

**32. When a party is called upon by no admit facts by the other party unda Order XII rule 4 of C.P.C. the party whom the notice has been served ha admit the facts within**

- (A) 15 days of the service of notice
- (B) 9 days of the service of notice
- (C) 7 days of the service of notice
- (D) 6 days of the service of notice Ans.(B)

**Exp.** Under Rule 4, Order 12, when a party is called upon by notice to admit facts by the other party, the party on whom the notice has been served has to admit the facts within 9 days of the service of notice.

**33. The commission to make local investigation can be issued for the purposes of**

- (A) Collecting evidence of a fact
  - (B) Elucidating any matter in dispute
  - (C) Ascertaining the amount of mesne Profit
  - (D) Ascertaining the market value of the property Code
- (A) 1,2 and 3
  - (B) 2, 3 and 4
  - (C) 1, 2, 3 and 4
  - (D) 1 and 2 Ans.(B)

**Exp.** Under Sec. 75, the court may issue a commission







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- (a) to examine any person :
- (b) to make a local investigation :
- (c) to examine or adjust account : or
- (d) to make a partition ;
- (e) to hold a scientific, technical or expert investigation ;
- (1) to conduct sale of property which subject to speedy and natural dec
- (g) to perform any ministerial act.

**34. Where a decree is passed against the Union of India or a State for the act done in the official capacity of the officer concerned, under Section 82 C.P.C., execution shall not be issued on any such decree unless the decree remains unsatisfied for a period of**

- (A) 3 months from the date of the decree
- (B) 6 months from the date of the decree
- (C) 1 year from the date of the decree
- (D) 2 years from the date of the decree Ans.(A)

**Exp.** Where a decree is passed against the

Union of India or a State for the act done in the official capacity of the officer concerned, under Section 82 C.P.C., execution shall not be issued on any such decree unless the decree remains unsatisfied for a period of 3 months from the date of the decree-  
**Section 82 (2)**

**35. Assertion (A): The rule of constructive res judicata is applicable to writ petitions. Reason (R): Public policy considerations underlying res judicata also hold true in relation to writ proceedings.**

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true Ans.(A)

**Exp.** Basis behind application of res-judicata is public policy and res-judicata will apply all writs except the writ of habeas corpus.





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36. A residing in Delhi publishes in Kolkata statements defamatory of B.

B may sue A in

- (A) Delhi only
- (B) Kolkata only.
- (C) either Delhi or Kolkata
- (D) anywhere in India with the leave of the court Ans.(C)

**Exp.** The given problem is based on illustration (b) of Sec. 19 C.P.C. It provides suits for compensation for wrongs to persons or movables.

37. Which one of the following suits is not of a civil nature?

- (A) Suits relating to rights to property
- (B) Suits for rents
- (C) Suits for recovery of voluntary payments or offerings
- (D) Suits against dismissals from service Ans.(C)

**Exp.** Suit for recovery of voluntary payments or offerings is not a suit of civil nature.

38. Which of the following is not a sufficient cause for granting adjournment?

- (A) Sickness of a party, his witness or his counsel
- (B) Non-examination of a witness present in the court
- (C) Non-service of summons
- (D) Reasonable time for preparation of a case Ans.(B)

**Exp.** Non-examination of a witness present in the court is not a sufficient cause for granting adjournment.

39. Where a plaintiff sues upon a document in his power or possession, he must produce it or a copy thereof

- (A) along with the plaint
- (B) at the time of giving of evidence
- (C) at the time of framing of issues
- (D) when ordered by the court Ans.(A)

**Exp.** Where a plaintiff sues upon a document in his power or





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possession, he must produce it or a copy thereof along with the plaint

#### 40. Voluntary amendment is provided for under

- (A) Order 6. R-7, C.P.C.
- (B) Order 6. R-15, C.P.C.
- (C) Order 6. R-17. C.P.C.
- (D) Order 6, R-19, C.P.C. Ans.(C)

**Exp.** The court may at any stage of the proceeding allow either party to alter or amend his pleadings. Proviso to this rule provides that no application for amendment of pleading shall be allowed after the trial has commenced unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before commencement of trial - Rule 17. Order 6 of C.B.C.

#### 41. There shall be no appeal by a convicted person where a Chief Judicial Magistrate imposes only a sentence of fine not exceeding

- (A) Rs 1,000

- (B) Rs 200
- (C) Rs 100
- (D) Rs 300 Ans.(C)

**Exp.** No appeal by convicted person where

- (a) a High Court passes imprisonment not exceeding months or fine not exceeding 1000 Rs/- or both.
- (b) a Court of session or CJM, or MM passes imprisonment not exceeding 3 months or fine not exceeding Rs. 200/- or both
- (c) a Magistrate of 1st class passes only a sentence of fine not exceeding Rs. 100/
- (d) a Magistrate under summary trial passes only a sentence of fine not exceeding Rs. 200/

#### 42. Too many appeals and revisions are a bone of the Indian Judicial System, involving as it does sterile expense and delay and fruitless chase of perfection." Justice Krishna Iyer made this observation in

- (A) Hamam Singh v. State of HP





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(B) Mohd. Sauman Ali v. State of Assam

(C) Sitaram v. State of UP

(D) Jawaharlal Singh v. Naresh Singh  
Ans.(C)

**43. In a case the Supreme Court observed thus- "We are unable to find any magic or charm in the ritual of a charge. It is the substance of these provisions (relating to charge) that count and not their outform. To hold otherwise is only to provide avenues or escape for the guilty and afford 10 protection to the innocent. The court made these observations in relation to**

(A) alteration of charge

(B) joinder of charges

(C) persons who may be charged jointly

(D) error, omission or irregularity in charge  
Ans.(A)

**Exp.** Above observation is related with alteration of charge under Sec. 216 of Cr.P.C. offences is triable of the property of the value not Cr.P.C.

**44. Which of the following offences is to summarily?**

(A) Theft where the value of the or

stolen does not exceed Rs on wenty

(B) Lurking house trespass

(C) Assisting in the concealmen stolen property of the value exceeding Rs. 300.

(D) Receiving or retaining stoler property under Section 411.1PC when the value of the property does not exceed Rs. 250  
Ans.(B)

**Exp.** Sec. 260(1) (c) Cr.PC. provides a list of offences which may be tried summarily

**45. The period of limitation prescribed for taking cognizance of the offence punishable with imprisonment up to 3 years is**

(A) 1 year

(B) 2 years

(C) 3 years

(D) 4 years  
Ans.(C)

**Exp.** Period of limitation Section 468 of Cr.P.C



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(a) Six months, if the offence is punishable with fine only.

(b) one year if the offence is punishable with imprisonment for a term

(c) Three year if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

46. In which of the following cases the constitutional validity of Section 433 A, Cr.PC. was upheld?

- (A) Ashok Kumar Ganguli v. Union of India
- (B) Babu Pahalwan v. State of MP
- (C) Ramesh v. State of MP
- (D) Karan Singh v. State of HP Ans.(A)

47. Which of the following is an interlocutory order for the purposes of revisional powers of the High Court or a Session Court?

- (A) Orders summoning witnesses
- (B) An order of bail granted by Magistrate

(C) An order rejecting the plea of the accused on a point which when accepted. will conclude the particular proceeding

(D) Interlocutory orders which are without jurisdiction and nullities  
Ans.(D)

48. A is only charged with theft and it appears that he committed the offence of criminal breach of trust. In this context, which one of the following is correct?

- (A) He may be acquitted
- (B) He may be convicted only of theft
- (C) He may be convicted of criminal breach of trust
- (D) He may not be convicted of criminal breach of trust Ans.(C) Exp.

The given problem is based on Illustration

(b) to Sec. 221 Cr.P.C., which provides where it is doubtful what offence has been committed.

49. Which of the following courts can set

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aside or modify the conditions imposed by a Magistrate when granting bail?

- (A) High Court or Court of Sessions under Section 439, Cr.P.C.
- (B) High Court under Section 482, Cr.P.C.
- (C) Sessions Court under Section 465, Cr.P.C.
- (D) Court of Sessions under Section CL.P.C. Ans.(A)

**Exp.** A High Court or Court of Session may direct (a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of Section 437. may impose any condition which it considers necessary for the purpose mentioned in that Sub Section.

(b) that any condition imposed by a magistrate when releasing any person on bail be set aside or modified

**50. An offence of bigamy punishable under Section 494, L.P.C. was committed by A at Patna. The place**

where A resided with his wife B was Gaya and the place where his wife took up a permanent residence after commission of the offence is Bhagalpur' offence may be Inquired into or tried by a court of competent Jurisdiction at

- (A) Patna
- (B) Bhagalpur
- (C) Gaya
- (D) All of the above Ans.(D)

**Exp.** In the case of bigamy, the Magistrate having jurisdiction over the place, where the offence is committed and also the Magistrate having jurisdiction over the place, where the offender last lived.

**51. A Magistrate has power to deal with cases of apprehended danger or nuisance under**

- (A) Section 133, Cr.P.C.
- (B) Section 144. Cr.P.C.
- (C) Section 145, CT.P.C.
- (D) Section 107, Cr.P.C. Ans.(B)





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Exp. Section 144 of CrPC deals with power to issue order in urgent cases of nuisance or apprehended danger

**52. Which of the following Magistrates have to prohibit repetition or continuance of nuisance?**

- (A) District Magistrate
- (B) Sub-Divisional Magistrate
- (C) Judicial Magistrate
- (D) Executive Magistrate duly empowered in this behalf Code:

- (A) 1 and 4
- (B) 2 and 3
- (C) 1, 2 and 4
- (D) 1,2,3 and 4 Ans.(C)

**Exp.** DM, SDM or any other executive magistrate duly empowered by the State Govt. or by DM, may order any person not to repeat or continue a public nuisance, as defined in the IPC or any special or local law... Sec. 143 CPC.

**53. Assertion (A):**

**The provisions for reviewing decision of a criminal court are for the due**

**protection of life and liberty. Reason (R): They are based on the notion that the Judges and Magistrates are not infallible Code:**

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true Ans.(A)

**54. Assertion (A):**

**Subject to same exception the provisions of the Code of Criminal Procedure are not applicable to tribal areas in undivided Assam. Reason (R): Thses areas enjoy special status like the Satate of Jammu and Kashmir. Codes:**

- (A) Both aA and R are true and R is the correct explanation of A.
- (B) Both A and R are true but R is not the correct explanation of A.
- (C) A is true but R is false.
- (D) A is false but R is true Ans.(C)

**Exp.** Section 1(2) says that provisions of this Code other than those relating





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to chapters VIII, X and XI thereof shall not apply.

- (a) as to State of Nagaland
- (b) to the Tribal Areas

Ans.(D) Exp. The State Government shall every district one or more Public Prosecutors for a prosecutions in the Court of Mac Sec. 25(1) Cr.P.C.

**55. Reasons for non-applicability of some of the provisions of the Criminal Procedure Code to the State of Nagaland have been stated by the Supreme Court in**

- (A) State of Nagaland v. Rattan Singh
  - (B) Maharaja Vikram Kishore of Tripura v. Province of Assam
  - (C) Zorzoliana v. Government of Mizoram
  - (D) State of Nagaland v. Chung
- Ans.(D)

**56. Who can appoint a police officer as an assistant public prosecutor for courts of Magistrates?**

- (A) Superintendent of Police
- (B) District and Sessions Judge
- (C) District Magistrate
- (D) High Court on the request of the State Government

**57. Who among the following can be without warrant by any Magistrate**

- (a) Any person committing off within the local jurisdiction a Magistrate but not in his pr
- (b) Any person committing offer anywhere, but in the presen such Magistrate.
- (c) Any person within his 1, jurisdiction for whose arrest he is competent to issue a warrant
- (d) All of the above Ans.(C)

**Exp.** When any offence is committe in the presence of a Magistrate whether executive or judicial within his local jurisdiction, he may himself arrest of order any person to arrest the offender Sec. 44 Cr.P.C.

**58. Match List-I-with List-II and select the correct answer using the code given below the Lists: List-I**







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- (A) Special Metropolitan Magistrate
- (B) Chief Metropolitan Magistrate
- (C) Judicial Magistrate of second class
- (D) Assistant Sessions Judge

List-II

1. Imprisonment up to 7 year or/and fine
2. Imprisonment up to 10 years or/and fine
3. Imprisonment up to 3 years or/and fine
4. Imprisonment up to 1 year or/ and fine up to Rs.1000.

Codes:

- |     |   |   |   |   |
|-----|---|---|---|---|
| (A) | A | B | C | D |
|     | 2 | 4 | 3 | 1 |
| (B) | A | B | C | D |
|     | 3 | 2 | 1 | 4 |
| (C) | A | B | C | D |
|     | 1 | 4 | 2 | 3 |
| (D) | A | B | C | D |
|     | 3 | 1 | 4 | 2 |

Ans.(D)

59. Where two or more courts have taken cognizance of the same offence and a question arises as to

which of them ought to inquire into or try the offence, the question shall be decided.

(A) If the courts are subordinate to the same High Court, by that High Court.

(B) By the High Court within the local limits of whose appellate criminal jurisdiction the accused resides, carries on business or is engaged in a gainful employment

(C) If the courts are subordinate to the same High court in consultation with the State Government concerned

(D) If the courts are not subordinate to the same High Courts, by that court within the local limits of whose appellate criminal jurisdiction the proceedings were first commenced

Which of the above are correct?

Code:

(A) 1 and 2

(B) 2 and 3

(C) 1 and 4

(D) 1,2,3 and 4

Ans.(C)





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**Exp.** Where 2 or more Courts have taken cognizance of the same offence and a question arises as to which of them ought to inquire into or try that offence, the question shall be decided (a) If the Courts are subordinate to the same High Court, by that High court : 0

(b) If the Courts are not subordinate to the same High Court, by the High Court within the local limits of whose appellate criminal jurisdiction the proceedings were first commenced

Sec. 186 Cr.P.C.

## 60. Assertion (A):

**Power of the State to order cases to be tried in different sessions divisions is very limited. Reason (R): This extraordinary power is to be used when consideration of public justice Jusufies its exercise. Code:**

(A) Both A and R are true and R is the correct explanation of A

(B) Both A and R are true but R is not the correct explanation of A

(C) A is true but R is false

(D) A is false but R is true Ins. (A)

## 61. Husband and wife

(A) are competent witnesses against each other in matrimonial cases

(B) are not competent witnesses against each other as they are one person in law

(C) are competent witnesses against each other in civil cases only (D) are competent witnesses against each other in civil as well as criminal cases  
Ans.(D)

**Exp.** Husband and wife are competent witnesses against each other in civil as well as in criminal cases- Sec. 120 Indian Evidence Act

## 62. Match List-1 with List-11 and select the correct answer using the code given below the Lists: List-I

(A) Bloodstains and blood group

(B) Automatic Camera

(C) Tape-recorded Statement

(D) Handwriting

List-II

1. Reg v. Dodson



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- 2. State of Gujarat v. Chhota Lal Patni
- 3. Bv. Attorney-General
- 4. Yusufalli v. State of Maharashtra

Code (a)	A	B	C	D
	3	4	2	1
(b)	A	B	C	D
	3	1	4	2
(c)	A	B	C	D
	2	3	1	4
(d)	A	B	C	D
	1	2	4	3

Ans.(C)

63. Which of the following pairs is not correctly matched?

- (A) That a man heard or said something Fact
- (B) A map or plan-Document
- (C) Copies made from or evidence compared with the original-Secondary evidence
- (D) Facts connected to a fact in issue in such a manner as to constitute part of the same transaction-Rule nisi

Ans.(D)

Exp. Rule NISI- Generally a rule nisi is an order to show cause" meaning that

the ruling is absolute unless the party to whom it applies can show cause why it should not apply.

64. Match List-I with List-II and select the correct answer using the code given below the .

List-I

List- II

(A) Confession caused 1. Aghnoo by inducement, Nagesia v..State threat, promise

(B) Confession to a 2. State of Punjab customs officer Barkatrarr.

(C) Confession in 3. Pyarelal the FIR given by Bhargava v. the accused State of Rajasthan

(D) Discovery of a 4. State of Bombay fact pursuant to v. Kathi Kalu a statement in Oghad police custody

Ans.(D)

65. Question is, whether A was robbed.The fact that he said, he had been robbed without making any complaint





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(A) is relevant showing preparation for relevant facts

(B) is relevant showing conduct facts

(C) is relevant showing effect of relevant

(D) may be relevant under Section 32 or Section 157 of the Evidence Act

Ans.(D)

**Exp.** The given problem is based on illustration (k) of Section 8. The fact that he said he had been robbed without making any complaint, is not relevant as conduct, under Section 8, though it may be relevant as a dying declaration under Section 32(1), or as corroborative ceiving stolen good Isen He offers to sell them below evidence under Section 157 IEA

**66. A is accused of receiving stolen goods while knowing them to be stolen. He offers to prove that he used to sell them below their value.**

(A) Not prove this statement

(B) Prove if it is relevant otherwise than

an admission

(C) prove it as it is explanatory of conduct influenced by facts in issue

(D) None of the above Ans.(C)

**Exp.** The given problem is based on Illustration (a) to Sec. 14 IEA.

**67. Which one of the following statements is correct?**

(A) An admission by a guardian ad litem against a minor is evidence

(B) Admission on a point of law made by a pleader in court on behalf of the client is evidence

(C) Admission by one of the several defendants in a suit against another defendant is evidence

(D) Admission of fact made by a pleader in court on behalf of his client is evidence. Ans.(D)

**68. Which one of the following is the true statement in relation to the relevancy of character?**

(A) In criminal cases, previous good character is irrelevant

(B) In criminal proceedings, previous







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bad character is relevant

(C) In civil cases, character to prove conduct imputed is relevant

(D) In Civil cases, character of any person affecting the amount of damages is relevant Ans.(D)

Exp. In Civil cases, character of any person affecting the amount of damages is relevant under Sec.55 IEA.

Supreme Court raised doubts regarding the applicability of the doctrine of estoppels beyond Section 115, Evidence Act?

(A) Mercantile Bank of India Ltd. v. Central Bank of India Ltd.

(B) Madanappa v. Chandramma

(C) Turner Morrison and Co. v.

Hungerford Investment Trust Ltd.

(D) Sitaram v. State of UP Ans.(B)

69. When the court has to form an opinion as to the digital signature of any person, opinion of which of the following is relevant?

(A) Certifying Authority

(B) Controller appointed information Technology Act ited under the

(C) Internet Service Provider

(D) Certifying Authority which had issued digital signature certificate Ans.(D)

Exp. Sec. 45-A of Evidence Act provided for opinion for examiner of electronic evidence.

71. No revenue officer shall be compelled to say when he got any information as to the commission of any offence against the public revenue. This provision is contained

(A) Section 125, Evidence Act

(B) Section 124, Evidence Act (C)

Section 123, Evidence Act

(D) Section 126, Evidence Act Ans.(A)

Exp. No Magistrate or police officer shall be compelled to say when he got any information as to the commission of any offence, and no Revenue officer shall be compelled to say when he got any information

70. In which of the following cases the

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as to the commission of any offence against the public revenue.

72. No confession made to a police officer shall be proved as against a person accused of any offence. The rationale of this rule is stated in

- (A) Queen Empress v. Abdullah
- (B) Queen Empress v. Babulal
- (C) Queen v. Lillyman
- (D) Pakla Narayan Swamy v. Emperor

Ans.(B)

73. Where a bill of exchange is drawn in a set of five, how many of them need to be proved?

- (A) Five
- (B) Three
- (C) One
- (D) Two

Ans.(C)

**Exp.**-If a document is required by law to be attested it shall not be used as evidence until one attesting witness at least has been called-Sec.68 IEA.

74. Assertion (A):

**A gives B a receipt for money paid by B. Oral evidence is offered for the payment. The evidence is admissible. Reason (R): A receipt is not a contract or grant in respect of which oral evidence is barred.**

Code:

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true Ans.(A)

75. Assertion (A):

**Sections 91 and 92, Evidence Act should be read together Reason (R): These two Sections supplement each other. Code:**

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true Ans.(A)

**Exp.**-Sec.92 is based on the principle that what is in writing shall be proved





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HJS | PJS | GJS | OJS | JJS | WBJS | HPJS

by the writing itself. The fundamental principle of Sec.92 is that if a transaction has been reduced into the form of a document, the evidence of that transaction shall only by that document, Sec.92 bars the oral evidence where Sec.91 does not apply, Sec.92 even not apply.

## 76. The court shall take judicial notice of

- (A) Foreign judicial records
  - (B) National Flag of a State not recognized by India
  - (C) Stephen's Digest on Criminal Law
  - (D) Rule of Road on land (and in sea)
- Ans.(D)

**Exp.** A list of fact of which court must take judicial notice is laid down in Sec. 57 of I.E. Act.

## 77. Which of the following is an example of 'may presume'?

- (A) Presumption as to electronic records
- (B) Presumption as to digital signature certificate 85-C
- (C) Presumption as to electronic messages 88-A

(D) Presumption as to electronic agreements Sec.85-A Ans.(C)

## 78. Section 58 of the Evidence Act deals with E

- (A) formal admissions
- (B) evidentiary admissions
- (C) formal as well as evidentiary & admissions
- (D) proof of facts by oral evidence

Ans.(A)

**Exp.** No fact need to be proved in any proceeding which the parties agree to admit at the hearing Sec. 58.

## 79. Which of the following pairs is not correctly Matched:

- (A) Relevancy of statements as to law contained in law books-Section 38, Evidence Act.
- (B) Relevancy of statements is maps, charts etc.-Section 35, Evidence Act.
- (C) Relevancy of Certain evidence for proving subsequent proceeding on the truth of facts therein stated Section 34, Evidence Act.



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(D) Relevancy of statement as to fact of public nature-Section 37, Evidence Act. Ans.(B)

**Exp.** Section 36 deals with relevancy of statement in maps charts and plans. Section 35 deals with- Relevancy of entry in public record or an electronic record made in performance of duty.

**80. In which of the following instance there is no reasonable ground for asking the witness question whether he is a dacoit?**

(A) A barrister is instructed by an attorney- that an important witness is a dacoit

(B) A pleader is informed by a person in court that an important witness is a dacoit

(C) A witness of whom whatsoever is known randomly, whether he is

(D) A witness of whom nothing whatsoever. is known. questioned asked to his mode of living, gives unsatisfactory answers Ans.(C)

**Exp.-** The given problem is based on Illustrations (a), (b), (c) and (d) of Section 149 IEA

**81. The principle of agency of necessity (A) applicable in emergent situations where communication with the principal is not possible**

(B) applicable in normal situations if the communication with the principal is possible

(C) unknown to the law of agency

(D) None of the above Ans.(A)

**Exp.-**Combine reading of Sections 188 and 189 of Contract Act suggests that principle of agency of necessity is applicable in emergency where, communication with the principal is not possible.

**82. A gives woolen cloth to B, a tailor, for making a suit. The tailor's charges are settled at Rs. 500. After the suit is ready, A tenders Rs.50 for the charges but the tailor refuses to deliver the suit till A pays an old due. In such case (A) B can refuse to deliver the suit**



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- (B) B cannot refuse to deliver the sul
- (C) B can refuse in certain circumstances
- (D) B can sell the suit Ans.(B)

### 83. Which of the following is correct?

- (A) Pledge made by a person having limited interest is valid to the that interest
  - (B) Pledge made by a person voidable contract is valid
  - (C) Pledge made by a mercantil is valid
  - (D) Goods may be pledged by the servant in the absence of owner
- Ans.(C)

**Exp.-**Pledge by mercantile agent is given under Sec.178 of Contract Act.

### 84. Assertion (A):

The liability of the surety is co-extensive with that of the principal debtor unless it is otherwise provided by the contract. Reason (R): Any variance, made without the surety's consent, in the terms of the contract

between the principal debtor and the creditor, discharges the surety as to transactions subsequent to variance.

(A) both A and R are true and R is the correct explanation of A

(B) both A and R are true but R is not the correct explanation of A

(C) A is true but R is false

(D) A is false but R is true Ans.(B)

**Exp.-**Liability of the surety is co-extensive with that of the principal debtor-Sec.128. Any variance made without surety's consent in the terms of the Contract between the principal debtor and the creditor, discharges the surety as to the transactions subsequent to the variance-Sec.133.

But both statements are independent.

### 85. A without the request of anybody

extinguishes the fire of B's godown. A suffers injury thereby. B promises to compensate A for the whole "amount he has spent for his treatment. The contract is

(A) unenforceable





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- (B) void
- (C) voidable
- (D) enforceable Ans.(D)

**Exp.** Sec.70 provides for obligation of person enjoying benefit of non-gratuitous act.

## 86. Promissory estoppel is sometimes

**spoken of is a substitute for**

- (A)novation
- (B) quasi-contract
- (C) Consideration
- (D) coercion Ans.(B)

**Exp.** Section 68 to 72 of Contract Act pro videos for quasi-contract. Promissory es toppel is sometimes spoken of is a sub stitute for quasi-contract.

## 87. X, a trader leaves goods at Y's house by mistake. If Y uses the goods, then which one of the following is correct when X demands recover price of goods and Y refuses to pay?

- (A) Y is not bound to pay as he becomes the owner of the goods left at his home.

(B) Y is bound to pay as X did not intend to supply goods gratuitously and Y enjoyed the benefits of X's act.

(C) Y is not bound to pay as he did not ask for the goods.

(D) X must suffer for his mistake and he cannot recover the price of goods from Y. Ans.(B)

**Exp.** The given problem is based on illustration

(a) to Section 70. It provides obligation of person enjoying benefit of non-gratuitous act,

## 88. X contracted with a tent house for erecting a shamiana for performing the marriage of his daughter. On the day of marriage, a curfew was clamped in the area preventing the celebration of the marriage. The shamiana owner claims the charges agreed to be paid by X In the light of the above, which one of the following is correct?

- (A) X has to pay the contracted charges
- (B) X need not pay the agreed charges



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but only reasonable charges

(C) X can require the State to bear the claim for damages

(D) X need not pay anything as the celebration of the marriage was impossible on account of the curfew

Ans.(D)

**Exp.**-Para 2 to Sec.56 provides a contract to do an act which after the contract is made, becomes impossible, or by reason of some event which the promisor could not prevent, unlawful, becomes void when the act becomes impossible or unlawful. Here, X is not bound to pay anything as the celebration of the marriage was impossible on account of curfew.

**89. In which of the following instances has the discharge of agreement not been effected?**

(A) A promises to paint a picture for B. B afterwards forbid him to do so

(B) A owes B Rs 5,000. C pays to B Rs 1,000, which B accepts in satisfaction of his claim against A

(C) A awaits arrival of B to finish the painting for B

(D) A owes B Rs 2,000 and is also indebted to other creditors. A makes an arrangement with his creditors, including B, to pay them, half of the loan amount A pays to B Rs 1,000

Ans.(C)

**90. A contingent contract based on the specified uncertain event not happening within a fixed time**

(A) can be enforced if the event does not happen within the fixed time

(B) cannot be enforced at all, being void

(C) can be enforced if before the expiry of fixed time, it becomes certain that

such an event shall not happen

(D) Both (A) and (C)

Ans.(D)

**Exp.** Contingent contracts to do or not to do anything if a specified uncertain event happens within a fixed time become void if, at the expiration of the time fixed, such event has not



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happened, or if, before the time fixed, such event becomes impossible. Contingent contracts to do or not to do anything, if a specified uncertain event does not happen within a fixed time, may be enforced by law when the time fixed has expired, if it becomes certain that such event will not happen.

91. Which one of the following is a contract?

- (A) An agreement to do a lawful act by an unlawful means
- (B) An undertaking in writing duly signed to pay the time-barred debt
- (C) An agreement in restraint of a lawful trade
- (D) An agreement to pay Rs-10,000 without consideration Ans.(B)

92. Which one of the follow provided in Sections 4 and 5 Contract Act?

- (A) Communication of offer
- (B) Communication of acceptance
- (C) Revocation of proposal
- (D) Acceptance

(D) Revocation of contract Ans.(D)

**Exp.** Contract cannot be revoked it only be discharged by performance, frustration anticipatory breach of contract, novation rescission or alteration.

93. Which one of the following does not amount to fraud?

- (A) Active concealment of a fact
- (B) A promise made without any intention of performing it
- (C) Suggestion as a fact of that which is not true by one who does not believe it to be true
- (D) A representation made without knowing it to be false, honestly believing it to be true Ans.(D)

**Exp.** According to Sec. 17 of Contract Act 5

modes of fraud are as under:

- (i) Suggestio falsi
- (ii) Suggestio veri
- (iii) A promise made without any intention of performing it
- (iv) Any other act fitted to deceive
- (v) Any such act or omission as the law







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especially declared to be fraudulent

(d)	A	B	C	D
	2	4	1	3

94. A stipulation for increased interest from the date of default is known as

- (A) Damage
- (B) Penalty
- (C) Liquidated damage
- (D) Compensation Ans.(B)

Exp.- Stipulation increased interest date of default is known as penalty.

95. Match List 1 with List-1 and select the correct answer using the code given the Lists;

List-I

- (A) Tinn v. Hoffman 1. Invitation to treat and Co.
- (B) Fisher v. Bell 2. Offers at large
- (C) Carlill v. Carbolic 3. Cross offers
- (D) Harvey v. Facey 4. Quotation of price

Code (a)	A	B	C	D
	3	1	4	2
(b)	A	B	C	D
	1	2	3	4
(c)	A	B	C	D
	2	1	3	4

Ans. (The given options are incorrect)

96. Which one of the following propositions is correct?

- (A) A minor's contract being void, a minor is not bound to pay for necessities supplied to him
- (B) A minor's contract being variable, he is bound to pay for necessities supplied to him
- (C) A minor is bound to pay for necessities supplied to him because a minor's contract is valid
- (D) A minor's contract is void but he is bound to pay for necessities supplied to him Ans.(D)

Exp, Minor's agreements are void ab initio, was held in Mohari Bibi v. Dharmodas Ghosh, 1903 PC. by Lord North justice. Minor's agreement can not be liable to enforced unless it is made for his ben efits ie. apprenticeship etc. A minor's contract is void but he is bound to pay for necessities





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supplied to him out of his property only.

**97. Match List-1 with List-II and select the correct answer using the code given below the Lists: List-1**

### List-II

- (A) Supervening 1. Uberrima fides  
Impossibility contract
- (B) Consideration 2. Frustration
- (C) Good faith 3. Privity of contract
- (D) Dunlop Tyre Co. v. 4. Quid pro quo  
Selfridge and Co.

Code:

- |     |   |   |   |   |
|-----|---|---|---|---|
| (a) | A | B | C | D |
|     | 1 | 3 | 4 | 2 |
| (b) | A | B | C | D |
|     | 3 | 2 | 1 | 4 |
| (c) | A | B | C | D |
|     | 2 | 4 | 1 | 3 |
| (d) | A | B | C | D |
|     | 2 | 1 | 3 | 4 |

Ans.(C)

**98. Assertion (A):**

**Marriage brokerage contract is valid.  
Reason (R): Marriage brokerage contract is opposed to public policy**

Code:

(A) Both A and R are true and R is the correct explanation of A

(B) Both A and R are true but R is not the correct explanation of A

(C) A is true but R is false

(D) A is false but R is true Ans.(C)

**99. Which of the following are the duties of a bailee?**

(A) Duty to take reasonable care of goods

(B) Duty not to make unauthorized use of goods

(C) Duty not to mix his own goods with the goods bailed

(D) Duty to compensate when goods is damaged despite of the care of the bailee

Code:

- (A) 2.3 and 4
- (B) 1.2 and 3
- (C) 3 and 4
- (D) 1 and 2

Ans.(B)

**100. Adomsen v. Jarvis is leading case on**

- (A) Bailment
- (B) Contract of Indemnity
- (C) Contract of Guarantee
- (D) Pledge

Ans.(B)

