



## Previous Year Paper

### JHARKHAND (APO) JUDICIAL PRELIMINARY EXAM 2019

- Kedarnath Singh v. State of Bihar AIR 1962 SC 955 has decided the constitutional validity of IPC, 1860**

(a) Sec 124 A  
(b) Sec 505  
(c) Sec 124 A and 505  
(d) Sec 121 Ans.(C)
- The word takes' in Section 361 of IPC signifies**

(a) Taking by force  
(b) Taking by fraud  
(c) Physical taking  
(d) All of these Ans.(D)

**Exp.** According to Section 361 IPC, whoever takes or entices any minor under sixteen years of age if a male or under eighteen years of age if a female or any person of unsound mind out of keeping of the law ful guardian of such minor or person of unsound mind without the consent of such guardian is said to kidnap such minor. The word takes' in Section 361 IPC signifies taking by force, fraud or physical taking.
- Right of private defence is available against**

(a) an offence  
(b) an offender  
(c) both offence and offender  
(d) an accused Ans.(A)

**Exp.** Section 96 to 106 IPC deals with the right of private defence. Section 96 IPC provides nothing is an offence which is done in the exercise or the right of
- private de fence. Right to private defence is avail able against an offence.**
- For abetment**

(a) It is necessary that the act abetted should be committed successfully.  
(b) It is necessary that the act abetted should be committed though  
(c) It is not necessary that the act abetted should committed.  
(d) Both (A) and (B) Ans.(C)

**Exp.** According to Section 108 Explanation 2 IPC, to constitute the offence of abetment it is not necessary that the act abetted should be committed or that the effect requisite to constitute the offence should be caused.
- Aveek Sarkar v. State of West Bengal (2014) 4 SCC 257 deals with**

(a) Sec 153 A  
(b) Sec 292 A  
(c) Sec 292  
(d) Sec 354 A Ans.(C)

**Exp.** Section 292 IPC deals with sale etc. of obscene book.
- A hangman who hangs the prisoner to the order of the court is exempt from criminal liability by virtue of**

(a) Section 77 IPC  
(b) Section 78 IPC  
(c) Section 79 IPC  
(d) Section 80 IPC Ans.(B)

**Exp.** According to Section 78 IPC, nothing





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which is done in pursuance of or which is warranted by the judgment or order of a court of justice if done whilst such judgment or order remains in force is an offence notwithstanding the court may have had no jurisdiction to pass such judgment or order provided the person doing the act in good faith believes that the court had such jurisdiction.

7. **Difference between 'common intention' and 'similar intention' was made in which of the following cases?**

- (a) B.K. Ghosh v. Emperor
- (b) Mehboob Shah v. Emperor
- (c) Kirpal Singh v. State
- (d) Mithu v. State Ans.(B)

**Exp.** Difference between common intention and similar intention was made in Mehboob Shah v. Emperor by Privy Council.

8. **the case of S. Varadrajana v. State relates to which of the following provisions of IPC, 1860?**

- (a) Section 366
  - (b) Section 365
  - (c) Section 364
  - (d) Section 363
- Ans.(D)

**Exp.** S. Vardarajan v.State relates to kidnapping-Section 363 provides for punishment for kidnapping

9. **Disclosure of identity of a victim of rape is punishable under which of the following section of IPC, 1860 ?**

- (a) Section 229
- (b) Section 228
- (c) Section 376
- (d) Section 228 A Ans.(D)

**Exp.** Section 228A of IPC deals with disclosure of identity of victim of certain of fences (eg, Section 376 to 376E.)

10. **Which 'meas rea'element is expressly used in Section 498-A of IPC, 1860 ?**

- (a) Intentional conduct
- (b) Negligent conduct
- (c) Wilful conduct
- (d) Reason to believe Ans.(C)

**Exp:-** Whoever, being the husband or the relative of the husband of a woman, subject such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine-Section 498 A.

11. **The word 'Illegal' is defined under which section of IPC, 1860 ?**

- (a) Section 32
- (b) Section 33
- (c) Section 43
- (d) Section 37 Ans.(C)

**Exp.** The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action, and a person is said to be "legally bound to do whatever it is illegal in him to omit-Section 43.

12. **Section 304-A was added in IPC, 1860 in**

- (a) 1870
- (b) 1880
- (c) 1890
- (d) 1913 Ans.(A)

13. **A Constitutional amendment in India can be challenged in**

- (a) International Court of Justice
- (b) Supreme Court
- (c) High Court
- (d) Supreme Court & High Court both Ans.(D)

**Exp.** Part XX Art 368 of Constitution of India deals with amendment of Constitution. A constitutional amendment in India can be challenged in Supreme Court and High Court both.



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14. **the residuary power under Article 248 can be exercised by**

- (a) Union Government
- (b) Parliament
- (c) Legislature of States
- (d) Judiciary Ans.(B)

**Exp.** Article 248 of Indian Constitution deals with residuary powers of legislation. According to Article 248, Parliament has exclusive power to make any law with respect to any matter not enumerated in the concurrent list or state list. Such power shall include the power of making any law imposing a tax not mentioned in either of those lists.

15. **Under which Article of the Constitution NJAC had been created ?**

- (a) Article 124A
- (b) Article 124B
- (c) Article 124C
- (d) None of these Ans.(A)

**Exp.** National Judicial Appointment Commission had been created under Article 124A of Indian Constitution. S.C. by a majority of 4.1 struck down the NJAC Act 2014 on 16 October 2015.

16. **The MPs and MLAs are mandated to take oath to preserve sovereignty and integrity of the nation under which Constitutional amendment?**

- (a) 1\* Constitutional Amendment, 1951
- (b) 16th Constitutional Amendment, 1963
- (c) 42nd Constitutional Amendment, 1976
- (d) 76 Constitutional Amendment, 1992 Ans.(B)

17. **Article 368 of the Constitution deals with**

- (a) Amendment of Constitution
- (b) Finance Commission
- (c) Election Commission
- (d) Judicial Review Ans.(A)

**Exp.** Part XX Art 368 of Indian Constitution deals with power of

parliament to amend the Constitution and procedure therefor.

18. **Article 302 of the Constitution permits restriction on the freedom of trade, commerce and intercourse in public interest by**

- (a) Inter-State Council
- (b) State Legislature
- (c) Parliament
- (d) World Trade Organization Ans.(C)

**Exp.** According to Article 302 of Indian Constitution, Parliament may by law impose such restriction on the freedom of trade, commerce or inter-course between one State and another or within any part of the territory of India as may be required in the Public interest

19. **The Constitution of India, 1950 recognizes International relation in**

- (a) Articles 51 & 253
- (b) Articles 51 & 254
- (c) Articles 50 & 253
- (d) Articles 50 & 254 Ans.(A)

**Exp.** Article 51- Promotion of International peace and security. The state shall endeavour to

(a) Promote international peace and security.

(b) Maintain just and honourable relations between nations.

(c) Foster respect for International law and treaty obligations in the deal of organized people with one another

(d) Encourage settlement of international dispute by arbitration, Article 253. Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with other country or countries or any decision made at any international conference, association or other body.



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20. **Justice, social, economic and political words are used in the Constitution under**

- (a) Preamble
- (b) Fundamental Rights
- (c) Directive Principles of State Policy
- (d) Preamble as well as Directive Principles of State policy Ans.(D)

21. **In Shreya Singhal v. Union of India. Section 66A of Information Technology Act, 2000 was declared illegal under**

- (a) Article 14
- (b) Article 19(1)
- (c) Articles 14 & 19(1)
- (d) Articles 14, 19(1) & 21 Ans.(B)

**Exp.** In Shreya Singhal v. U.O.L., Section 66A of Information Technology Act 2000 was declared illegal under Article 19(1) which provides freedom of speech and expression.

22. **Santhanam Committee led to establishment of**

- (a) CVC
- (b) CBI
- (c) SIT
- (d) CID Ans.(A)

**Exp.** Central Vigilance Commission is an apex Indian Governmental body created in 1964 to address governmental corruption.

23. **The provisions relating to privileges and Immunities are contained under which Articles the Constitution ?**

- (a) Articles 105 & 106
- (b) Articles 194 & 195
- (c) Articles 105, 106, 194 & 195
- (d) Articles 104, 105, 195 & 196 Ans.(C)

**Exp.** Art.105- Powers, privileges etc. of the House of Parliament and of the members and committees thereof. Art. 106. Salaries and allowances of member. Art. 194- Powers, privileges etc, of the

House of Legislature and of the members and committees thereof Art. 195-Salaries and allowances of members.

24. **The distribution of subject matter is contained under**

- (a) Fifth Schedule to Constitution
- (b) Seventh Schedule to Constitution
- (c) Ninth Schedule to Constitution
- (d) Eleventh Schedule to Constitution Ans.(B)

**Exp.** The distribution of subject matter is contained under seventh Schedule of Constitution. Seventh Schedule contains three lists

1. Union list-98-Items.
2. State list - 66 Items.
3. Concurrent list- 47 Items

25. **Which Article of the Constitution provides safeguards against ex post facto law ?**

- (a) Article 20(1)
- (b) Article 20(2)
- (c) Article 20(3)
- (d) Article 19(1)(a) Ans.(A)

**Exp.** According to Article 20(1) of Indian Constitution, no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of commission of the offence.

26. **Which among the following fundamental rights available only to the citizen of India**

- (a) Right to equality
- (b) Right to freedom of speech and expression
- (c) Right to life and personal liberty
- (d) Protection against double jeopardy Ans.(B)





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**Exp.** Following fundamental rights available only to citizen of India.

1. Article 15- Prohibition of discrimination on grounds of religion.
2. Article 16-Equality of opportunity in matters of public employment.
3. Article 19- Protection of certain rights regarding freedom of speech etc.
4. Article 29 protection of interests of minorities.

**27. The nature and function of Chief Information Commissioner is**

- (a) Judicial
- (b) Quasi Judicial
- (c) Administrative
- (d) Constitutional Ans.(B)

**Exp.** Central information commission includes one Chief Information Commissioner and not more than 10 Information Commissioners who are appointed by the President of India. The nature and functions of Chief Information Commissioner is quasi-judicial.

**28. Provision relating to Finance Commission is contained under**

- (a) Article 279
- (b) Article 279A
- (c) Article 280
- (d) Article 283 Ans.(C)

**Exp.** According to Article 280 of Indian Constitution, the President shall within two years from the commencement of this Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President considers necessary by order constitute a finance commission which shall consist of a chairman and four other members to be appointed by the President.

**29. The organisation of Village Panchayats is contained under**

- (a) Article 40

- (b) Article 41
- (c) Article 42
- (d) Article 43 Ans.(A)

**Exp.** According to Article 40 of Indian Constitution, the state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to functions as units of self government.

**30. The doctrine of precedent is incorporated under which Article of Constitution ?**

- (a) Article 140
- (b) Article 141
- (c) Article 142
- (d) Article 143 Ans.(B)

**Exp.** According to Article 141 of Indian Constitution, the law declared by the Supreme Court shall be binding on all courts within the territory of India.

**31. Who decides 'Whether a Bill is Money Bill or not ?**

- (a) President of India
- (b) Finance Minister
- (c) Lok Sabha Speaker
- (d) Prime Minister Ans.(C)

**Exp.** According to Article 110(3) of Indian Constitution if any question arises whether a bill is a money bill or not the decision of the Speaker of the House of the People thereon shall be final

**32. Which of the following writs can be issued only against the judicial or quasi-judicial authorities ?**

- (a) Mandamus
- (b) Habeas Corpus
- (c) Certiorari
- (d) Quo Warranto Ans.(C)

**Exp.** A writ of certiorari is issued by a superior court (supreme court and high courts) to an inferior court or body exercising judicial or quasi judicial





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functions to remove a suit from such inferior court or body and adjudicate upon the validity of the proceedings or body exercising judicial or quasi judicial functions Grounds on which writ of certiorari can be issued

A. Where there is want of excess of jurisdiction.

B. Where there is error of law apparent on the face of the record but not error of the fact

C. Where there is violation of procedure or disregards of principles of natural justice.

**33. The provision relating to constitution of election commission is**

(a) Articles 323 B

(b) Article 324 (2)

(c) Article 331

(d) Article 334 Ans.(B)

**Exp.** According to Article 324 (2) of India Constitution the election commission shall consist the chief election commissioner and such number of other election commissioners, if any, as the Preet dent may from Ume to time fix and the sappointment of the chief election commissioners and other election commission shall subject to the provisions of any law made in that behalf by Parliament be made by the President.

**34. 'Article 21 protects the right to life and personal liberty of citizens not only form executive action but also from legislative action. It was observed in**

(a) Minerva Mill case

(b) A.K. Gopalan case

(c) Mancka Gandhi case

(d) Kesavananda Bharti case Ans.(C)

**Exp.** In Menka Gandhi case, it was held that

Article 21 protects the right to life and personal liberty of citizens not only from executive action but also from legislative action.

**35. The idea of Preamble in Indian Constitution has been borrowed from**

(a) U.S.A.

(b) Canada

(c) U.S.S.R.

(d) U.K. Ans.(A) -

**Exp.** The idea of preamble in Indian Constitution has been borrowed from USA.

**36. The executive power of the Union is vested in the**

(a) Union Cabinet

(b) Prime Minister

(c) President

(d) Chief Justice of India Ans.(C)

**Exp.** According to Article 53(1) of Indian Constitution, the executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

**37. What is imperative to show the requisites respect to National Anthem?**

(a) Sing only

(b) Stand respectfully

(c) Sing and Stand respectfully

(d) To bow only

Ans.(B)

**Exp.** In Bijoy Emmanuel v. State of Kerala, it was held by S.C. that no person can be compelled to sing the national anthem, the requisite is to respect national an them by stand respectfully.

**38. In which of the following case the**





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**Supreme Court held that the tape recorded conversation is admissible if relevant to matter?**

- (a) Lishu Ling v. R
  - (b) Rv. Richardson
  - (c) R.M. Malkani v. Maharashtra State
  - (d) Bhola Ram Kushwaha v. M.P. State
- Ans.(C)

**Exp.** Tape-recorded conversation is relevant under Section 6, 7 and 8 of Evidence Act, it is res gestae. It is also comparable to a photograph of relevant incident. The Tape-recorded conversation is relevant provided first the conversation is relevant to matter in issue, secondly, there is identification of voice and, thirdly, the accuracy of tape recorded conversation is proved by eliminating the possibility of erasing the tape-recorded conversation-RM. Malkani v. State of Maharashtra AIR, 1973 S.C.

**39. In which of the following case the Supreme Court held that recording of video conferencing is admissible under the Indian Evidence Act, 1872?**

- (a) State of Maharashtra v. P. Bala Desai
  - (b) Harihar Prasad Singh
  - (c) Queen Empress v. Abdullah
  - (d) Pakala Narayan Swami v. Emperor
- Ans.(A)

**Exp.** In State of Maharashtra v P Bala Desai, It was held that recording of video conferencing is admissible under the Indian Evidence Act 1872.

**40. Indian Evidence Act, 1872 came into force on**

- (a) 14 March, 1872
  - (b) 14 April, 1872
  - (c) 1 September, 1872
  - (d) 1 October, 1872
- Ans.(C)

**Exp.** Indian Evidence Act 1872 came into force on 1" September 1872 (Section 1 of

Indian Evidence Act).

**41. Law of Evidence is**

- (a) Lax Loci Contractus
- (b) Lex Fort
- (c) Lex Loci Solutionis
- (d) Lex Situs Ans.(B)

**Exp.** Lex fori means the law of the country in which an action is brought

**42. Whose admission will not be relevant under Section 18-20 of the Indian Evidence Act, 1872**

- (a) Admission by party to the proceeding
- (b) Admission by servant
- (c) Admission by agent
- (d) Admission by person having interest in the subject-matter of the suit Ans.(B)

**Exp.** (1) Admission only be made by  
1. the party to proceeding or his agent.  
2. by suit or in representative character,  
3. by party interested in subject matter,  
4. by person from whom interest derived - Sec.18.

(ii) Admissions by person whose position must be proved as against party to suit is relevant under Sec.19.

(iii) Admissions by persons expressly referred to by party to suit is relevant under Sec.20.

**43. A confession is an admission made by any time by a person charged with crime stating or suggesting the inference that he committed that crime." Who has given this definition?**

- (a) Stephen
- (b) Atkin
- (c) Macaulay
- (d) Millet Ans.(A)

**44. Which among the following sections of the Indian Evidence Act, 1872 is an exception to the general rule 'hearsay evidence is no evidence ?**





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- (a) Section 6
- (b) Section 11
- (c) Section 17
- (d) Section 25

Ans.(A)

**Exp.** Exception of hearsay rule

1. Res gestae-Section 6
2. Admission and confession-Section 17
3. Statement relevant under Section 32
4. Entries in books of account kept in course of business Section 34 entries in public registers Sec 35.
5. Statements of experts in treatises.

**45. Mirza Akbar v. King Emperor is related to**

- (a) Section 9
- (b) Section 10
- (c) Section 11
- (d) Section 13 ADS.(B)

**Exp.** Section 10 IEA relates to things said or done by consideration in reference to common design.

**46. A confession made by any person while in police custody will be relevant if it has been made**

- (a) Immediately in the presence of magistrate
- (b) Immediately in the presence of magistrate
- (c) Immediately in the presence of superintendent of police
- (d) None of the above is correct Ans.(A)

**Exp.** A confession made by any person while in police custody will be relevant if it has been made immediately in the presence of magistrate-Section 26 IEA.

**47. In which of the following subjects an expert is competent to testify?**

- (a) Foreign Law
- (b) Matter of Science
- (c) Question of Art
- (d) All of these Ans.(D)

**Exp.** As a general rule, opinion on a question of law or fact is irrelevant. But for the purposes to decides the case, court may ask for opinion on foreign law, science or art, handwriting and finger impression of a person under Sec. 45.

**48. Which of the following has not been included in the definition of Court' under the Indian Evidence Act, 1872**

- (a) All Judges
- (b) All Magistrates
- (c) All persons legally authorised to take evidence
- (d) Arbitrator Ans.(D)

**Exp.** 'Court includes all Judges, Magistrate and all persons legally authorised to take evidence except Arbitrators-Section 3 Indian Evidence Act.

**49. In which of the following case the Supreme Court held that the court must accept confession as whole and cannot accept only inculpatory and reject the exculpatory part?**

- (a) Palvinder Kaur V. Punjab State
- (b) Pakala Narayan Swami v. Emperor
- (c) Veera Ibrahim v. Maharashtra State
- (d) Nathu Singh v. Jagdish Singh Ans.(A)

**50. 'Leading questions can be asked in**

- (a) Examination in chief
- (b) Cross examination
- (c) Re-examination with the permission of court
- (d) All of the above Ans.(B)

**Exp.** 'Leading questions can be asked in Cross examination-Section 143 IEA.

**51. Which section of Indian Evidence Act, 1872 provides about 'Hostile witness"?**

- (a) Section 133
- (b) Section 145
- (c) Section 154



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(d) Section 161 Ans.(C)

**Exp.** Section 154 of Indian Evidence Act deals with hostile witness. A hostile witness is also known as an adverse witness or an unfavorable witness, is a witness at trial whose testimony on direct examination is either openly antagonistic or appears to be contrary to the legal position of the party who called the witness.

52. **Bhushan Sahu v. King is related to which section of Indian Evidence Act, 1872**

- (a) Section 115
- (b) Section 133
- (c) Section 122
- (d) Section 126 Ans.(B)

**Exp.** Bhushan Sahu v. King is related to accomplice evidence u/s-133 IEA.

53. **Which section of the Indian Evidence Act, 1872 mentions the facts regarding which the court must take judicial notice?**

- (a) Section 57
- (b) Section 67
- (c) Section 68
- (d) Section 69 Ans.(A)

**Exp.** Section 57 of IEA provides list of which court shall take judicial notice.

54. **Provision regarding public document has An been mentioned under which section of Ex the Indian Evidence Act, 1872 ?**

- (a) Section 73
- (b) Section 74
- (c) Section 75
- (d) Section 76 Ans.(B)

**Exp.** According to Section 74 IEA, the following documents are public documents.

1. Documents forming the acts or records of the acts
  - (i) of the sovereign authority
  - (ii) of official bodies and tribunals and
  - (iii) of public officers legislative, judicial

and executive of any part of India or E of the commonwealth or of a foreign country.

2. Public records kept in any state of private documents.

55. **Which of the following is not a secondary evidence ?**

- (a) Certified copies
- (b) Copies made from original
- (c) Where number of documents are made by one uniform process
- (d) Copies compared with original Ans.(C)

**Exp.** Section 63 of IEA provides for secondary evidence. Secondary evidence means and includes

1. Certified copies given under the provisions hereinafter contained
2. Copies made from the original by mechanical process which in themselves ensure the accuracy of the copy and copies compared with such copies.
3. Copies made from or compared with the original
4. Counterparts of documents as against the parties who did not execute them.
5. Oral accounts of the contents of a document given by some person who himself seen it.

56. **Which one of the following is not a leading case on dying declaration?**

- (a) Kushal Rao v. State
- (b) Moti Singh v. State
- (c) Deep Chand v. State
- (d) R v. Jenkis Ans.(C)

**Exp.** In Deep Chand v. State, it was held that a post constitution law is void from its Inception but that a pre constitution law having been validly enacted would continue inforce so far as noncitizens are connected after the Constitution came into force.





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57. **A witness unable to speak gives evidence by sign-gesture. Such evidence is**

- (a) Secondary Evidence
- (b) Special Evidence
- (c) Circumstantial Evidence
- (d) Oral Evidence Ans.(D)

**Exp.** According to Section 119 EA, a witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible as by writing or signs, such writing must be written and the signs made in open court, evidence so given shall be deemed to be oral evidence.

58. **The Supreme Court has recognized the presumption of innocence as a**

- (a) Fundamental Right
- (b) Statutory Right
- (c) Human Right
- (d) Customary Right Ans.(C)

59. **A Confession made by a conspirator involving other members is relevant against the co-conspirator jointly tried with him and is admissible under**

- (a) Section 8
- (b) Section 10
- (c) Section 30
- (d) Section 56 Ans.(C)

**Exp.** According to Section 30 IEA, when more persons than one are being tried jointly for the same offence and a confession made by one of such persons affecting himself and some other of such persons is proved, the court may take into consideration such confession as against such other person as well as against the person who makes such confession.

60. **Oral evidence of a fact invalidating the document is admissible under Indian Evidence Act 1872**

- (a) Proviso 1 to Section 92
- (b) Proviso 2 to Section 92
- (c) Proviso 4 to Section 92
- (d) Proviso 6 to Section 92

Ans.(A)

**Exp.** According to Section 92 of IEA Proviso 1, any fact may be proved which would invalidate any document or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration or mis take in fact or law.

61. **A is tried for murder of B by poison. The fact that before the death of B.A procured poison similar to that which was administered to B is**

- (a) Relevant
- (b) Not relevant
- (c) Partly relevant
- (d) Neither relevant nor irrelevant Ans.(A)

**Exp.** In the given problem A is tried for the murder of B by poison, the fact that be fore the death of B, A procured poison similar to that which was administered to B is relevant under Section 8 of IEA.

62. **Facts which are necessary to explain or introduce relevant facts of place, name, date, relationship and identity of parties are relevant under**

- (a) Section 8
- (b) Section 9
- (c) Section 10
- (d) Section 11 Ans.(B)

**Exp.** Facts which are necessary to explain or introduce relevant facts of place, name, date, relationship and identity of parties are relevant under Section 9 IEA.

63. **Section 2 (d) of CIPC, 1973 defines**  
(a) Charge





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- (b) Cognizable offence
- (c) Complaint
- (d) Inquiry Ans.(C)

**Exp.** According to section 2(d) of CrPC. complaint means any allegation made orally or in writing to a Magistrate with a view to his taking action under this code that some person whether known or un known has committed an offence but does not include police report.

**64. Under which Section of CrPC, 1973 the court may order the accused to pay compensation?**

- (a) Section 354
- (b) Section 355
- (c) Section 356
- (d) Section 357 Ans.(D)

**Exp.** Section 357 Cr.PC deals with order to pay compensation.

**65. The Code of Criminal Procedure, 1973 came into force on**

- (a) 1<sup>st</sup> January April, 1973
- (b) 14 April, 1974
- (c) 19 October, 1974
- (d) 14 December, 1974 Ans.(B)

**Exp.** The Code of Criminal Procedure 1973 came into force on 1 April 1974-Section 1 CrPC.

**66. Which among the following chapters of the CrPC, 1973 does not apply to the state of Nagaland and the tribal areas?**

- (a) Chapter VIII
- (b) Chapter IX
- (c) Chapter X
- (d) Chapter XI Ans.(B)

**Exp.** According to Proviso to Section 1(2) the provisions of Code other than those relating to Chapters VIII, X and XI shall not apply to

- (a) The state of Nagaland.
- (b) To the tribal areas.

**67. A proclaimed person whose property has been attached can claim the property or proceed of sale on appearance within**

- (a) 6 months
- (b) 2 years
- (c) 3 years
- (d) 1 year Ans.(B)

**Exp.** According to Section 85(3), if within two years from the date of the attachment. any person whose property is or has been at the disposal of the state government, appears voluntarily or is apprehended and brought before the court by whose order the property was attached or the nate and proves to the satisfaction of such court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property or if the same has been sold the net proceeds of the sale or if part only thereof has been sold, the net proceeds of the sale and the residue of the property shall after satisfying there from all costs incurred in consequence of the attachment, be delivered to him.

**68. Who can issue search warrant to search persons wrongfully confined?**

- (a) D.M.
- (b) S.D.M.
- (c) Magistrate
- (d) All of these Ans.(D)

**Exp.** According to Section 97 of Code of Criminal Procedure 1973, if ay district magistrate, sub divisional magistrate or magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue of a such warrant and the person to whom such warrant is directed may Search for person so confined and such



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search shall be made in accordance therewith and the person if found shall be immediately taken before a magistrate who shall make such order as in the circumstances of the case seems proper

69. "Warrant case" means a case relating to an offence punishable with death, imprisonment of life or imprisonment for a term

- (a) Exceeding 2 years
- (b) Exceeding 3 years
- (c) Exceeding 4 years
- (d) Exceeding 5 years Ans.(A)

**Exp.** According to Section 2(x) of Code of Criminal Procedure, warrant case means a case relating to an offence punishable with death imprisonment for life or imprisonment for a term exceeding two years.

70. Provision regarding 'Plea bargaining has ationed under ..... of CrPC. 1973.

- (a) Chapter XX
- (b) Chapter XXI
- (c) Chapter XXI A
- (d) Chapter XXII Ans.(C)

**Exp.** Chapter XXIA of Code of Criminal Procedure deals with plea bargaining, this was inserted by the Criminal Law Amendment act 2005 and came into force on 57-2006.

71. Provision regarding inquest has been mentioned under ... of the CrPC, 1973.

- (a) Section 171
- (b) Section 172
- (c) Section 173
- (d) Section 174 Ans.(D)

**Exp.** Section 174 of Code of Criminal Procedure deals with police to enquire and report on suicide i.e. inquest report.

72. Under which section of CrPC. 1973 the

**District Magistrate has been empowered to issue order in urgent case of nuisance or apprehended danger?**

- (a) Section 142
- (b) Section 143
- (c) Section 144
- (d) Section 145 Ans.(C)

**Exp.** Section 144 of Code of Criminal Procedure provides powers to issue order in urgent cases of nuisance or apprehend danger, no order under Section 144 shall remain in force for more than two months from the making thereof

73. In which of following section 'cognizable offences' has been defined?

- (a) Section 2 (a) CrPC
- (b) Section 2 (b) CrPC
- (c) Section 2 (c) CrPC
- (d) Section 2 (i) CrPC Ans.(C)

**Exp.** According to Section 2(c) of Code of Criminal Procedure, cognizable offence means an offence in which a police officer may in accordance with the first schedule or under any other law for the time being in force arrest without warrant

74. "Person once convicted or acquitted not to be tried for same offence. The provision is mentioned under CrPC, 1973

- (a) Section 300
- (b) Section 301
- (c) Section 303
- (d) Section 304 Ans.(A)

**Exp.** According to Section 300(1) of Code of Criminal Procedure, a person who has been tried by a court of competent jurisdiction for an offence and convicted or acquitted of such offence while such conviction or acquittal remains in force, not be liable to be tried again for the same offence nor on the same facts for





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any other offence for which a different charge from the one made against him might have been made under sub-section (1) of Section 221 or for which he might have been convicted under sub-section (2) thereof.

**75. Second Class Magistrate authorised by the High Court can try summarily any offence which is punishable with imprisonment for a term**

- (a) Not exceeding 3 months
- (b) Not exceeding 6 months
- (c) Not exceeding 1 year
- (d) Not exceeding 2 years Ans.(B)

**Exp.** According to Section 261 of Code of Criminal Procedure, the High Court may confer on any Magistrate invested second class, power to try summarily any offence which punishable only with fine or with imprisonment for a term not exceeding six months with or without fine and any abetment of or attempt to commit any such offence.

**76. Which among the following is not correct about FIR?**

- (a) It is an information given to the police officer.
- (b) It must relate to cognizable offence.
- (c) It is an information first in point of time.
- (d) It can be lodged both in cognizable & non-cognizable offences. Ans.(D)

**Exp.** FIR can be lodged only in cognizable offences.

**77. Public Prosecutors are appointed by the**

- (a) Central Government after consultation with High Court
- (b) State Government after consultation with High Court
- (c) Both (A) & (B)
- (d) None of these Ans.(C)

**78. Inherent power of High Court has been dealt under ..... of the CrPC, 1973.**

- (a) Section 481
- (b) Section 482
- (c) Section 483
- (d) Section 465 Ans.(B)

**Exp.** As per Section 482 CrPC "Nothing in this code shall be deemed to limit or effect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this code or to prevent abuse of the process of any court or otherwise to secure the ends of justice.

**79. A confession under Section 164 of CrP.C, 1973 can be recorded by**

- (a) Metropolitan/Judicial Magistrate
- (b) Executive Magistrate
- (c) Police Officer
- (d) Prosecution Officer Ans.(A)

**Exp.** Any Metropolitan or Judicial Magistrate may whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of investigation under this chapter but before the commencement of inquiry or trial- Sec. 164(1) of Cr.P.C.

**80. Any dispute relating to the possession of immovable property is decided by**

- (a) Judicial Magistrate
- (b) Executive Magistrate
- (c) Either by Judicial Magistrate or by Executive Magistrate
- (d) Neither by Judicial nor Executive Magistrate Ans.(B)

**81. An Assist. Session Judge may pass any sentence except**

- (a) A sentence of death, life imprisonment or imprisonment for a term exceeding 7 years.



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(b) A sentence of death, life imprisonment or imprisonment for a term exceeding 10 years.

(c) A sentence of death, life imprisonment or imprisonment for a term

exceeding 12 years.

(d) None of these Ans.(B)

**Exp.** An Assist. Session Judge may pass any sentence except a sentence of death, life imprisonment or imprisonment for a term exceeding 10 years-Section 28 Cr.P.C.

**82. Any police officer may arrest any person without warrant who has been concerned in cognizable offence. This has been provided under**

(a) Section 40 CIPC

(b) Section 41 CIPC

(c) Section 43 CIPC

(d) Section 57 CIPC Ans.(B)

**83. An Executive Magistrate can grant & remand under Section 167 of CIPC, 1973 for a period of maximum**

(a) 5 days

(b) 7 days

(c) 10 days

(d) 15 days Ans.(B)

**Exp.** An Executive Magistrate can grant remand under Section 167 of CrPC. 1973 for a period of maximum 7 days.

**84. For an offence punishable with fine only, the period of limitation prescribed under Section 468 of CIPC is**

(a) 3 months

(b) 6 months

(c) 1 year

(d) 3 years Ans.(B)

**Exp.** Sec.468(2) provides the period of limitation shall be -

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year,

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

exceeding three years.

**85. Who among the following can issue order against a person for maintaining his wife under Section 125 CIPC, 1973?**

(a) Judicial Magistrate II Class

(b) Judicial Magistrate I Class

(C) Executive Magistrate

(d) All of these Ans.(B)

**Exp.** Sec. 125(1) Cr.P.C. enumerates the person entitled to maintenance

(a) Wife

(b) his legitimate or illegitimate minor child whether married or not unable to maintain itself; or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

(d) his father or mother.

**86. Provision regarding alteration of charges has been mentioned under ... of the CIPC. 1973.**

(a) Section 215

(b) Section 216

(c) Section 217

(d) Section 218 Ans.(B)

**Exp.** Sec.216 Cr.P.C. provides for add or alter of alteration charges. Any court may alter or add charge at any time before judgment is pronounced. Prior to recording of evidence, alteration or additional of charge is permissible, if there is defect or something is left out and court is obliged to see that no prejudice is caused to accused - Anant





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Prakash Sinha v. State of Haryana, AIR 2016 SC.

87. **There shall be no appeal by a convicted person where a Magistrate of the first class passes only a sentence of fine not exceeding**

- (a) Rs. 500
- (b) Rs. 300
- (c) Rs.200
- (d) Rs. 100 Ans.(D)

**Exp.** Section 376 provides for no appeal in petty cases. There shall be no appeal by convicted person in following cases

1. Where a High Court passes only a sentence of Imprisonment for a term not exceeding six months
2. Where a Court of Session passes only a sentence of imprisonment for term not exceeding three months
3. Where a Magistrate of 1st class passes only a sentence of fine not exceeding one hundred rupees
4. Where in a case tried summarily, a magistrate is empowered to act under section 264 passes only a sentence of fine not exceeding 200. hundred rupees.

88. **What should be the minimum person to commit the offence of robbery?**

- (a) One
- (b) Two
- (c) Three
- (d) Four Ans.(A)

**Exp.** No particular number of person is required to commit the offence of robbery.

89. **"Gang Rape" has been made punishable under which section of IPC, 1860?**

- (a) Section 376 A
- (b) Section 376 B
- (c) Section 376 C
- (d) Section 376 D Ans.(D)

**Exp.** According to Section 376- D, where a

woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years but which may extend to life which shall mean imprisonment for the remainder of that persons natural life and with fine.

90. Which of the following sections give extraterritorial operation under IPC, 1860?

- (a) Section 3 & 4
- (b) Section 5 & 6
- (c) Section 7 & 9
- (d) Section 10 & 11 Ans.(A)

**Exp.** Section 3 & 4 of IPC provides for extraterritorial jurisdiction. Extra territorial jurisdiction means legal ability of a government to exercise beyond its normal boundaries.

91. **R v. Hicklin is related to**

- (a) Bribery
- (b) Culpable Homicide
- (c) Obscenity
- (d) Rape Aas. (C)

**Exp.** Rv. Hicklin is related to obscenity

92. **In which of the following case Section 303 of IPC, 1860 has been declared unconstitutional?**

- (a) Bachan Singh v. State
- (b) D.K. Basu v. State
- (c) Joginder Kumar v. State
- (d) Mithu Singh v. State Ans.(D)

**Exp.** In Mithu Singh v. State, Section 303 of IPC 1860 has been declared unconstitutional.

93. **Which of the following section of IPC 1860 defines 'Dishonestly?'**



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- (a) Section 23
- (b) Section 24
- (c) Section 25
- (d) Section 26 Ans.(B)

**Exp.** According to Section 24 IPC. whoever does anything with the intention of causing wrongful gain to one person or wrong. full loss to another person is said to do that thing dishonestly.

**94. In which of the following offence the "mens rea" is not necessary to make the offender criminally liable?**

- (a) Culpable Homicide
- (b) Wrongful Confinement
- (c) Kidnapping
- (d) Criminal Conspiracy Ans.(C)

**Exp.** In kidnapping mens rea is not necessary to make the offender criminally liable.

**95. Giving false evidence in a judicial proceeding is punishable under which section of IPC, 1860?**

- (a) Section 191
- (b) Section 192
- (c) Section 193
- (d) Section 194 Ans.(C)

**Exp.** Punishment for giving false evidence in a judicial proceeding is punishable under Section 193 IPC.

**96. Necessity may be pleaded as defence under**

- (a) Section 79
- (b) Section 80
- (c) Section 81
- (d) Section 82 Ans.(C)

**Exp.** According to Section 81 IPC nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause

harm and in good faith for the purpose of preventing or avoiding other harm to person or property.

**97. McNaughten case is related to**

- (a) Insanity
- (b) Accident
- (c) Necessity
- (d) Private Defence Ans.(A)

**Exp.** McNaughten case is related to insanity

**98. 'Criminal Conspiracy' has been defined under which section of IPC, 1860?**

- (a) Section 120
- (b) Section 120 A
- (c) Section 120 B
- (d) Section 121 Ans.(B)

**Exp.** According to Section 120A of IPC when two or more persons agree to do or cause to be done

1. An illegal act or
2. An act which is not illegal by itself means such an agreement is designated a criminal conspiracy. Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

**99. Punishment regarding voluntarily causing 'grievous hurt' by acid attack contained**

- (a) Section 354 A
- (b) Section 354 E
- (c) Section 326 A
- (d) Section 228 A Ans.(C)

**Exp.** According to Section 326A of IPC who ever causes permanent or partial damage or deformity to or burns or maims or disfigures or disables any part or parts of the body of a person or causes grievous hurt by throwing acid on





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or by administering acid to that person or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life and with fine. Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim. Provided further that any fine imposed under this section shall be paid to the victim.

**100. How many persons are required to form an unlawful assembly?**

- (a) Two persons
  - (b) Three persons
  - (c) Four persons
  - (d) Five persons
- Ans.(D)

Exp. The ingredients of unlawful assembly under section 141 of IPC are it is an assembly of five or more person, if their common object is:

- (A) To overawe by criminal force,
- (B) To resist the execution of law or legal process,
- (C) To commit mischief. criminal trespass or any other offence.
- (D) by criminal force to take or obtain possession of any property or to deprive any person of any incorporeal right or to enforce any right or supposed right,
- (E) by criminal force to compel any person to do what he is not legally bound to do or to omit what he is legally entitled to do.

