



## Previous Year Paper

### RAJASTHAN JUDICIAL SERVICE MAINS EXAM 1985

#### PAPER I CIVIL LAW

- Q. 1. What is Firm?
- Q. 2. What is the 'act' of a Fir?
- Q. 3. What is the dissolution of a Firm?
- Q.4. What arc the essential requisites of a sale?
- Q. 5. When are the goods said to be in a 'deliverable state'?
- Q.6. When does an agreement to sell become a sale?
- Q. 7. What is the Seller's Lien?
- Q. 8. Define negotiable instrument.
- Q.9. What is Negotiation?
- Q. 10. What is Endorsement in Blank?
- Q. 11. What is the presumption relating to the time of acceptance?
- Q. 12. What is this Principle of Estoppel Relating to the capacity of the payee to endorse?
- Q. 13. What is a Codicil?
- Q. 14. What is the domicile of a minor?
- Q. 15. What is the effect of gift to the attesting witnesses of a will?
- Q. 16. What is the effect of gift to the legatee who attests a codicil which confirms the will?





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- Q. 17. What constitutes pleading?
- Q. 18. Mention the provision which governs restitution.
- Q.19. What is the Easement by necessity?
- Q. 20. When is the registration of lease compulsory?
- Q. 21. When do the statements made by a party in representative character become admission?
- Q. 22. How much of the information received from the accused in Police custody may be said to be proved?
- Q. 23. What is the presumption relating to Telegraphic messages?
- Q. 24. What are the main sects of Muslims?
- Q. 25. Who is a Mohammdan?
- Q. 26. Are the Directive Principles of State Policy enforceable?
- Q. 27. When did the Constitution of India come into force?
- Q. 28. What is Dower?
- Q. 29. Is the right to property a fundamental right?
- Q. 30. Whether a company registered under the Companies Act is a citizen?
- Q.31. What is the minimum membership of a private company and a public company?
- Q.32. What is the leading principle laid down in Solomon vs. Solomon?
- Q.33. Whether a jurist can be appointed as a Judge of the Supreme Court directly?
- Q.34. What is the main basis of the Mitakshara School of Hindu Law?
- Q.35. Mention the provision of law which permits divorce by consent among Hindus.
- Q.36. Can a girl be taken in adoption?
- Q.37. Can a Hindu take a second wife with the written consent of his first wife?



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- Q.38. What is the period of limitation for the mortgagor to file a suit to recover possession of immovable property mortgaged and later transferred by the mortgagee. for valuable consideration?
- Q.39. What is good faith?
- Q.40. Is a society registered under the Societies Registration Act a corporate body?

## Part 'B'

- Q.41. What is the difference between Sale' and 'Hire Purchase'?
- Q.42. What are the main differences between 'conditions' and 'warranties' in a contract of sale?
- Q.43. What is the meaning of sale by description?
- Q.44. Explain the right of 'stoppage in transit'?
- Q.45. What is the effect of an endorsement "Not negotiable"?
- Q.46. Who is a 'holder in due course'?
- Q.47. Who is a drawee in case of need?
- Q.48. What is lineal consanguinity under the Indian Succession Act; 1925?
- Q.49. Explain 'Demonstrative Legacy'?
- Q.50. Explain Ademption of Legacy
- Q.51. What is conclusive proof?
- Q.52. What is 'res judicata'?
- Q.53. Explain the English mortgage?
- Q.54. When do contracts become voidable?
- Q.55. What is the difference between a particular lien' and a 'general lien'?
- Q.56. Explain the facts in issue'?
- Q.57. Define the 'primary' and 'secondary evidence'?





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- Q.58. In what circumstances does the Court confirm the sale in execution proceedings?
- Q.59 Who is a testamentary guardian?
- Q.60. What is the scope of power of the Court under the Hindu Marriage Act, to bring about reconciliation between the parties to a proceedings?

## Part 'C'

- Q. 61. Who is an unpaid seller? What are his rights?
- Q. 62. Explain the acceptance for honour and payment for honour."
- Q. 63. Explain the power of Court to modify an arbitration agreement.
- Q.64. What are the cases in which specific performance of contract is enforceable?
- Q. 65. Discuss : "Ordinarily, the judgment binds only the parties to it".
- Q. 66. Narrate the grounds on which a divorce is granted under the Hindu Marriage Act, 1955.

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## PAPER II (CRIMINAL LAW AND PROCEDURE)

- Q. 1. A smith 'A' is forced by a gang of dacoits by threat of instant death to force the door of a house for the dacoits to enter and plunder it. What offence, if any, is committed by 'A'?
- Q. 2. 'A' under influence of madness attempts to kill D'. What offence, if any, is committed by 'A'?
- Q. 3. 'A' instigates B' to murder C. B refuses. What offence, if any, is committed by A?
- Q. 4. 'A' without any excuse fires a loaded canon into a crowd of persons and kills B. one of them. He had no premeditated design to kill B'. What offence, if any, is committed by 'A'?
- Q. 5. 'A' is surrounded in a jungle by his enemies who are armed with deadly weapons. Even before any one of them uses his weapon, 'A' takes out his pistol and shoots at them indiscriminately and thereby escapes, killing two of them. What offence, if any, is committed by 'A'?
- Q. 6. 'A' and B' go armed with knives to kill C. They suddenly find 'C' coming from the opposite direction. B stabs C as a result of which 'C' dies. 'A' also runs away. What offence, if any, is committed by 'A'?
- Q. 7. 'A' and 'B' decide to murder 'C' when he gets down at the Railway Station from the evening train. They go to the railway station for this purpose but 'C' does not arrive by the evening train. 'A' and 'B' come back home. What offence, if any, is committed by 'A'?
- Q. 8. 'A' genuinely suspecting 'B' of having committed theft in his house, informs the police about his suspicion. It is later found that B' had nothing to do with the theft in the house of 'A'. What offence, if any, is committed by 'A'?
- Q. 9. 'A' with two friends of his, finds B' coming from a Bank 'A' takes out a knife while his friends surround B', and snatches Rs. 1007- from 'B'. What offence, if any, is committed by 'A'?
- Q. 10. 'A' is married according to Hindu rites to 'B' who is 14 years of age. 'A' has sexual intercourse with 'B' with her consent. What offence, if any, is committed by 'A'?
- Q. 11. 'A' shoots at B' aiming at his head, but misses 'B' completely. What offence, if any, is committed by 'A'?
- Q. 12. 'A' goes to the house of B' and finds a pen lying on the table. He believes that it is his own pen and therefore takes away the pen without the consent of 'B'. What





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offence, if any, is committed by 'A'?

- Q. 13. 'A' mixes poison in the glass of milk which he believes will be consumed by 'B'. Instead, 'C' consumes that milk and dies. What offence, if any, is committed by 'A'?
- Q. 14. 'A' and 'B' go for tiger hunting in a dense forest. While 'A' is sitting on the machan, 'B' goes behind bushes and makes noise leading 'A' to believe that it is a tiger. 'A' shoots as a result of which 'B' dies. What offence, if any, is committed by 'A'?
- Q. 15. 'A' who lives alone, while sleeping at night wakes up on hearing some noise. He finds his main door broken open. He finds someone moving inside his house armed with a knife. He shoots him dead. What offence, if any, is committed by 'A'?
- Q. 16. 'A' while walking back home at night bears a woman crying for help. He finds that a man is trying to rape her. He hits the man with a stick on his head resulting in his death. What offence, if any, is committed by 'A'?
- Q. 17. 'A' and 'B' decide to loot a bank and for that purpose they collect all necessary implements and weapons. Later on 'A' leaves the city and therefore does not join 'B'. What offence, if any, is committed by 'A'?
- Q. 18. 'A' and 'B' go to the house of 'C' with the common intention of counting theft. After committing theft, while they are running away, C catches 'B' who, with a view to escape, strangulates 'C'. 'C' dies. A sees this quietly from a distance but does nothing. What offence, if any, is committed by "A"?
- Q. 19. A group of 20 workers led by 'A' go unarmed to the mill owner to protest against non-payment of wages. They have heated discussions with the mill owner who refuses to do anything. Suddenly one of the workers (lashes out a knife and stabs the "mill owner causing his death. What offence, if any, is committed by "A"?
- Q. 20. 'A' is assaulted by 'B' and others with lathies and knives causing him serious injuries. 'A' goes to his house which is about a mile away, brings a pistol and shoots 'B' who dies as a result. What offence, if any, is committed by 'A'?
- Q.21. What is the maximum sentence that can be passed by a Sessions Judge?
- Q. 22. What is the maximum sentence that can be passed by a Chief Judicial Magistrate?
- Q.23. What is a non-cognizable offence? Q. 24. What is a 'warrants case'?
- Q.25. Who can appoint a Judge to preside over a Court of Sessions?
- Q.26. Who can appoint a Public Prosecutor?



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- Q.27. When can a private person arrest any other person?
- Q.28. Who can require a person to execute a bond for keeping the peace under Section 107 CrPC?
- Q. 29. How long does an order, passed under Section 144 CrPC remain in force?
- Q.30. What is the question which an Executive Magistrate can decide in a proceeding under Section 145 CrPC relating to a dispute concerning land which is likely to cause breach of peace?
- Q. 31. Who can investigate a cognizable offence?
- Q.32. Who can record the confession of an accused under Section 164, CrPC?
- Q.33. When must a Police officer investigating a case write the case-diary?
- Q. 34. Can a criminal trial be transferred from one State to another? If so by whom?
- Q. 35. Can a Court take cognizance of an offence against a public servant while acting or purporting to act in the discharge of his official duties, on the 'mere complaint of any person? If not, why?
- Q.36. At what stage can a Court alter a charge?
- Q.37. On what ground can a Court of Session discharge an accused?
- Q.38. What should be done in a case where the accused is present, but the evidence is given in a language not understood by him?
- Q.39. In what circumstance can evidence be given by affidavit in an inquiry or trial?
- Q. 40. An accused before a Court of Sessions has no means to engage a pleader. What must the Sessions Judge do in such a case?

Part 'B'.

- Q. 41. In a criminal trial 'A' is proved to have given false evidence against 'B' intruding thereby that "B" may be convicted of doli, an offence for which the punishment may be rigorous imprisonment for life or for a term of ten years rigorous imprisonment and fine. What is the punishment that can be awarded to 'A' in such a case?
- Q.42. A cashier who is authorised to encash cheques from the Bank, receives Rs. 3,000/- from

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the Bank on encashment of a cheque. He utilizes that amount for his own personal use intending to make up that amount later. What offence is committed by - the cashier? Give your reasons briefly.

- Q.43. At what stage is an accused examined in a Sessions Trial? What questions must be put to him by the Court?
- Q. 44. In a summons case, the complainant is absent at the appointed date of beans What orders can the Magistrate pass in such circumstances?
- Q. 45. On what basis can a Magistrate take cognizance of an offence?
- Q. 46. What is a First Information Report? What is its value?
- Q. 47. What is a 'dying declaration and by whom and how it must be recorded?
- Q. 48. What must the Court do before imposing a sentence on the accused in a criminal case, after it has found the accused guilty of an offence?
- Q. 49. A Sessions Court has passed the sentence of death against an accused person. What must the Court of Sessions do after passing the sentence?
- Q. 50. What is the nature of the revisional jurisdiction of the High Court?
- Q. 51. In what type of cases can a Court make a reference to the High Court?
- Q. 52. Who can appeal against an original or appellate order of acquittal passed by a Sessions Judge, and how can such an appeal be preferred?
- Q. 53. What do you understand by anticipatory bail? Which Court can-grant anticipatory bail?
- Q. 54. Mention any three instances in which right of private defence of body may extend to causing death of the assailant.
- Q. 55. What do you understand by 'common unlawful object'?
- Q. 56. What is 'wrongful gain' and 'wrongful loss'?
- Q.57. What is a 'valuable security'?
- Q. 58. Who is an approver'?
- Q. 59. When does the right of private defence of body commence, and how long does it continue?







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Q. 60. When is a person said to 'abet' the doing of a thing?

## Part 'C'

Q. 61. Who can withdraw a criminal prosecution? Does the Court have any role to play in the withdrawal of prosecution? If so, what is its role?

Q. 62. What is the duty of Court while recording the confession of an accused? What must the Court do if an accused brought before it from police custody for recording of his confession, refuses to do so?

Q.63. Is it permissible in law for an accused to give evidence in his own favour in a . criminal trial? Can the Court, if it considers necessary direct an accused to give evidence in his case, and draw an adverse inference against him if the accused refuses to do so?

Q.64. What must a Court do when it finds that an accused before it who is less than 16 Years of age, is found guilty of an offence punishable with a maximum sentence of seven years rigorous imprisonment?

Q.65. What are the considerations to be taken into account in the matter of grant of maintenance to a wife and her child whom the husband has neglected to take care of?

Q.66. What are the considerations which must weigh with the Court in the matter of grant of bail to an accused?

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