



## Previous Year Paper

### RAJASTHAN JUDICIAL SERVICE MAINS EXAM 1999

#### [CIVIL LAW AND PROCEUDRE]

##### Part 'A'

- Q. 1. What is meant by 'res-judicata'?
- Q. 2. What is 'res sub-judice'?
- Q. 3. What do you understand by a suit of representative character?
- Q. 4. What is meant by 'jurisdiction of a Court'?
- Q. 6. Define 'revision'.
- Q.7. Describe the degrees of prohibited relationship in Hindu law.
- Q.8. What is stridhan?
- Q. 9. Describe the composition of Arbitral Tribunal under the Arbitration and Conciliation Act, 1996?
- Q.10. What is talaq-i-tafweez?
- Q. 11. "Hearsay is no evidence."
- Q. 12. Explain the phrase, 'the Court may presume' and 'the Court shall presume' and illustrate.
- Q. 13. Define admission. Who can make admission?
- Q. 14. What is contingent contract?
- Q. 15. State the tests in determining existence of partnership.





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## Part 'B'

- Q. 16. State the properties which may be attached and cannot be attached.
- Q. 17. Describe the grounds on which a petition for review of judgment can be entertained by a Court. Is an order rejecting an application for review appealable?
- Q. 18. Who is a de facto guardian of a Hindu minor? Can he dispose of the minor's property for the latter's education and moral welfare?
- Q. 19. State the grounds on which a Hindu wife can claim maintenance and separate residence from her husband. Whether a husband can refuse to provide maintenance to an unchaste wife residing with him?
- Q. 20. What is the right of a child in womb under the Hindu Succession Act? How the distribution of property shall be affected after his birth?
- Q. 21. What is the nature of widow's right of retention of the husband's property in casher dower remains unpaid? Whether this right of retention is heritable and transferable Give views of the various High Courts.
- Q.22. What is estoppel? State different kinds of estoppel.
- Q.23. 'Minor's agreement is void'. Explain it with exceptions.
- Q. 24. Discuss the law relating to dissolution of a partnership firm by the Court. Cite relevant provisions of the Partnership Act.
- Q. 25. Discuss with illustrations the doctrine of part-performance as incorporated in the Transfer of Property Act.

## Part 'C'

- Q. 26. Assuming necessary facts, draft  
(a) A plaint  
(b) A written statement taking all defences; in a suit for damages for breach of contract.
- Q. 27. Write a judgment n the facts taken in Questions No.26 above





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- Q. 28. Describe the general powers of a Court to transfer suits or appeals. Can a party apply for such transfer? If so, describe the procedure to be adopted in the matter.



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**Tansukh Paliwal**  
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## (CRIMINAL LAW AND PROCEDURE)

### Part 'A'

- Q. 1. A dispute regarding exercise of criminal jurisdiction arises between two Courts of different States. State as to which Court shall resolve the said dispute?
- Q. 2. What is a 'petty offence' under Clause (2) of Section 206 of the Code of Criminal [Section 186(b)] Procedure, 1973?
- Q.3. When is an appeal not abated on the ground of 'death of the accused'?
- Q.4. What are the grounds on the basis of which a search warrant may be issued?
- Q.5. Why can an arrested person not resist against his medical examination under Sections 53 of Code of Criminal Procedure, 1973 ?
- Q. 6. Why can a Magistrate of First Class, convicting the accused under Section 406 of the Indian Penal Code, 1860, not direct the accused to execute a bond for keeping peace and good behaviour for a period of one year?
- Q. 7. A commits an offence of defamation against B and is tried under Section 501 of the Indian Penal Code, 1860. B dies during the trial. A wants to compound the offence. Is it possible? If yes, how?
- Q.8. When is a person said to have acted in "good faith"?
- Q.9. What is the difference between medical insanity and legal insanity?
- Q. 10. When an unlawful assembly becomes a riot?
- Q. 11. When extortion becomes robbery?
- Q. 12. When is an act considered as an "accident" so as to be covered under Section 80 of the Indian Penal Code, 1860?
- Q. 13. What safeguards are provided to a witness who is compelled to answer a question and makes in his answer an inculpatory statement?







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- Q. 14. In a case, the date of birth of the accused is in question. Whether this matter may referred to a radiologist as an expert under Section 45 of the Indian Evidence Act, 1872. Give reason.
- Q.15. Can an evidence, obtained by committing offence of theft, be admitted in a case of criminal nature? Give reason.

## Part 'B'

- Q. 16. A wife, who is unable to maintain herself, files an application Clair, maintenance against her husband under Section 125 of the Code of Criminal Process 1973. She also requests the Court to order for interim maintenance pending final dispol of the matter. The non-applicant [husband] objects the demand of interim maintenance the ground that there is no such provision in the said section of the said Code. Decide
- Q. 17. A confessional statement of an accused is recorded in open Court by an Executive Magistrate. During prosecution, the accused challenges the validity of the said confession on the ground that he was not examined by the Magistrate recording his confession Decide.  
[Section 125]
- Q. 18. B absconds after committing a crime. How can he be compelled to appear before the Court? What action may be taken by the Court if B does not appear?
- Q. 19. What is a "non-bailable" offence? State the circumstances whereunder an accused is entitled to be released on bail.
- Q. 20. A digs a deep pit and leaving four poisoners snakes therein lays sticks and grass er it. B believing the ground to be firm, treads on it, falls and is killed. State with reasons as to what offence has been committed by 'A'.
- Q. 21. What defences are available to a person charged with the offence of defamation?
- Q. 22. What is an attempt to commit a crime? What is the law relating to impossible attempts?
- Q. 23. Explain the meaning of "criminal act done in furtherance of common intention".
- Q. 24. Do you agree with the view that the law contained in Section 133 of the Indian Evidence Act, 1872 is not a good law? Give reasons.

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Q. 25. Point out differences between the English and Indian Law of dying declaration

## Part 'C'

Q. 26. On 15.01.1998, at Jaipur Airport a custom officer conducted search of A and recovered some pieces of metal from his possession. For the examination of the said metal, an un-educated but experienced gold-smith was invited who opined that the said metal was gold. Consequently the gold was confiscated and the matter was referred to the Court for trial.

The accused defends himself on the grounds that (1) the proceedings and confiscation by the custom officer was prosecution and hence according to Section 300 of the Code of Criminal Procedure, 1973 he can not be prosecuted in the Court and (ii) the gold-smith who examined the metal was not a competent expert. Write a judgment deciding the case.

Q. 27. A, a resident of Delhi, came to Jaipur and borrowed a sum of Rs. 10,000/- from B. To repay the said loan, A gave to B a cheque to be drawn on the Indian Bank, New Delhi. B deposited the said cheque with his banker. The Indian Bank dishonoured and returned the said cheque on the ground of insufficiency of amount in the account of A. B gave a registered legal notice to A but that was returned by the postal department with the remark that the addressee had left the house. Draft a complaint on behalf of B in the light of above mentioned facts and other relevant facts and legal provisions.

Q. 28. "For every distinct offence of which person is accused, there shall be a separate charge and every such charge shall be tried separately". State the exceptions to this rule.

Q. 29. Examine the concept of "grave and sudden provocation" provided in Exception-1 of Section 300 of the Indian Penal Code, 1860. Point out the circumstances whereunder the accused can not be given benefit on the ground of grave and sudden provocation.

Q. 30. "The criminal liability of an abettor starts as soon as an offence is abetted but the degree of such liability finally depends on consequences of abetment." Explain.

Q. 31. What do you understand by "inculpatory" and "exculpatory" statement of confession. What is the law of admissibility of such statements? Can the Court





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convict an accused by admitting inculpatory part and rejecting exculpatory part of confession?

- Q. 32. What is the law of presumptions applicable in prosecution for the offences of abetment to commit suicide by a married woman, dowry death and rape? To what extent have these presumptions affected the traditional law of burden of proof.



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