

2021

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for recruitment to the post of District Judge (Entry Level)
under Direct Recruitment**

Paper-I
(Constitutional and Civil Laws)

Date: 20th March, 2021

Time: 3 Hours, from 10:00 am to 1:00 pm

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all the questions. Each question carries total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.
2. Questions must be answered only in English. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name, or hall ticket number, or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 11:00 am.

1. (a) What are the considerations to be kept in mind by a Court in the matter of grant of custody of minor children to one or the other spouse?

(5 marks)

- (b) What are the principles governing recognition of a foreign court judgment in a matrimonial dispute relating to divorce and child custody?

(5 marks)

2. Briefly state what are the principles governing proof of Wills with special reference to what can be termed 'suspicious circumstances' in the context of execution of Wills?

(10 marks)

3. Highlight the important changes brought about by the Right to Fair Compensation, Rehabilitation and Resettlement Act, 2013 in the procedures to be followed for acquisition of land from the earlier Land acquisition Act, 1894.

(10 marks)

4. Discuss some of the important principles governing the exercise of judicial review under Article 226 of the Constitution of India with reference to leading cases.

(10 marks)

5. What are the various principles of natural justice? Give an overview on each of those principles with reference to the leading cases.

(10 marks)

6. (a) What is the purpose of Law of Limitation? Can a time barred claim be filed, by taking recourse to Section 5 of the Limitation Act? Explain the exception to the said Limitation period with reference to Section 5 of the Indian Limitation Act.

(5 marks)

(b) What is meant by condonation of Delay under the Limitation Act? What is the difference between Sec 5 and Sec. 14 of the Limitation Act; Explain with examples.

(5 marks)

7. “A” enters into an oral agreement of sale with “B” for purchase of property for a total consideration of Rs.10,00,000/- and pays Rs. 8,00,000/- as advance on 01/01/2021. Thereafter to avoid any differences, the terms of agreement are reduced into writing and the parties sign the document of agreement of sale on 15/01/2021. One of the clauses in the agreement of sale is that time is not an essence of the contract. The time stipulated in the contract is that the balance sale consideration should be paid in 2 months from the date of entering into contract and get the sale deed executed in favour of “A” or his nominees. “A” intimates “B” through a Legal Notice dated 10/03/2021 that he is ready with the balance sale consideration and asks “B” to come receive the balance sale consideration and register the property in his name. “B” gives a Reply Notice that he is no longer interested in selling the property to “A”, as he has a better offer from “C” and going to sell the property to “C” only. Can “B” rescind from the agreement of sale at this stage and sell the property to “C”? What are the legal remedies available to “A”? If “A” files a suit against “B”, will “A” succeed in the suit? If the answer is yes, give reasons.

(10 Marks)

8. Who is an Ordinary Tenant and Protected Tenant under the provisions of the Telangana Tenancy and Agricultural Lands Act, 1950. Can a Protected Tenant be evicted from the said land? If Yes, under what conditions and provisions of the Act? How can a Protected Tenant become an absolute owner of the Land by operation of Law under the Act and the essential conditions required for becoming a statutory owner?

(10 Marks)

9. What are the various alternative dispute resolution methods recognized in law? Cite relevant provisions of the statutes with the case law where some of the said provisions have been discussed.

(10 marks)

10. a) Is it necessary for a party in a civil suit to prove a document through a witness, when the document is more than 30 years old. If possible, cite provision of law under the Evidence Act and state under what circumstances the concerned Court can treat the document as admissible in evidence.

(4 marks)

b) What are the requirements for admissibility of electronic records under Section 65-B of the Evidence Act.?

(3 marks)

c) If a message is received in a “whatsapp group” origin of which is not known, can it be received as secondary evidence under Section 65 of the Indian Evidence Act? Give explanation with or without illustrations.

(3 marks)

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for recruitment to the post of District Judge (Entry Level)
Under Direct Recruitment**

Paper – II
(Criminal Laws)

Date: 20th March, 2021

Time: 3 Hours, from 2:00 pm to 5:00 pm

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all questions. Each question carries a total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.
2. Questions must be answered in English only. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page on the main answer booklet. Do not either write your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 3:00 pm.

1. (a) Distinguish between the following:-

- (i) Kidnapping and Abduction
- (ii) Murder and Culpable Homicide not amounting to murder
- (iii) Criminal Misappropriation and Criminal Breach of Trust

(6 marks)

1. (b) Write short notes on any **two** of the following:-

- (i) Mens Rea
- (ii) Mischief
- (iii) Cheating
- (iv) Forgery

(4 marks)

2. Answer the following:

(i) What is the Test Identification of accused and its evidentiary value? Discuss with reference to the relevant provisions of the Criminal Procedure Code, 1973 and the Indian Evidence Act, 1872. (2 marks)

(ii) What do you understand by 'inculpatory statement' and 'exculpatory statement' of confession? What is the law relating to admissibility of such statements? (2 marks)

(iii) 'A' while in police custody, makes statement of admission of a fact. During trial, the Public Prosecutor produced evidence of his admission. 'A' objects the admissibility of evidence on the ground of rule laid down in Section 26 of the Indian Evidence Act, 1872. Decide. (2 marks)

(iv) Discuss the evidentiary value of retracted confession with an illustration. (2 marks)

(v) Stolen or looted goods are recovered from the possession of the accused just few days after the theft/dacoity. What presumptions, if any, can be drawn against him? (2 marks)

3. (a) Section 300 of the Criminal Procedure Code provides that a person once convicted or acquitted is not to be tried again for the same offence. What shall be the correct position in the following cases?

(i) 'A' is tried for causing grievous hurt and convicted. The person injured dies afterwards.

(ii) 'A' is tried for culpable homicide of 'B' by the Sessions Court and is convicted. Can 'A' be tried on the same facts for the murder of 'B'? (5 marks)

(b) Write a short note on the significance of cruelty or harassment to woman "soon before her death" and the fact that death has taken place "within seven years of her marriage". Discuss in the context of Section 304-B of the Indian Penal Code, 1860 and Section 113-B of the Indian Evidence Act, 1872. (5 marks)

4. a) Discuss the law relating to 'Rape' as laid down in the Indian Penal Code.

(5 marks)

(b) Discuss the term 'sexual harassment' in the light of the recent judgments delivered by the Hon'ble Supreme Court in the case of **Vishaka and others v. State of Rajasthan and others**, reported in 1997 (7) Supreme 323 and in the case of **Medha Kotwal Lele and others v. Union of India and others**, reported in 2012 (7) Supreme 321.

(5 marks)

5. (a) 'X', a scheduled caste employee subordinate to 'Y', a higher caste employee, alleges that 'Y' called him to his cabin and abused him in filthy language, referring to him by his caste name. 'X' lodges a complaint with the police who in turn registers a case against 'Y' for the offences under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Does it amount to an offence under the provisions of the said Act? Discuss with relevant provisions of Act and precedents.

(5 marks)

(b) Under what circumstances the bar created by Section 18 and 18A (1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 would not apply for the purpose of granting anticipatory bail to an accused against whom a case is registered for the offences under the said Act. Elucidate with case law.

(5 marks)

6. (a) What are the twin conditions to be satisfied by an accused arrested for the offences under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 for grant of post arrest bail? Discuss with specific reference to Section 37 of NDPS Act with relevant case law.

(5 marks)

(b) Whether the procedure laid down under Sections 52 and 57 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is mandatory and whether non compliance of the same will vitiate the entire proceedings initiated by the prosecution against an accused?

(5 marks)

7. (a) 'A' issued a cheque to 'B' signed by him on behalf of a partnership firm. On dishonour of the same, after completing legal formalities such as issuing notice etc, 'B' filed a complaint against 'A' under Section 200 Cr.P.C., for the offence under Section 138 of The Negotiable Instruments Act, 1881 without making the firm as an accused. Is the said complaint maintainable against 'A' in the absence of the firm? Elaborate with specific reference to Section 141 of NI Act with relevant case law.

(5 marks)

(b) Is it mandatory for the Appellate Court to direct the appellant-accused convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 to deposit minimum 20% of the fine or compensation as awarded by the trial court? If so, what is the time frame? Elaborate.

(5 marks)

8. On the complaint lodged by 'X', ACB officials have laid a trap on 'Y' and recovered tainted currency notes from the possession of 'Y'. After completion of pre and post trap proceedings, chemical tests and investigation, a charge sheet was filed against 'Y' for the offences under the provisions of the Prevention of Corruption Act, 1988. Despite giving statement under Section 164 Cr.P.C., 'X' turned hostile during trial. It is contended by the prosecution that though 'X', the complainant turned hostile, his deposition to the extent relevant can be used as the prosecution has examined the mediator, who accompanied 'X' at the time of trap and recovery of tainted currency notes, and insisted for convicting 'Y' on the basis of the said evidence. Whether mere recovery of tainted currency notes is sufficient to prove the guilt of an accused? What are the other requirements under law, the prosecution has to prove to record conviction against 'Y' under the Prevention of Corruption Act, 1988? Discuss with relevant case law with specific reference to evidentiary value of hostile witness.

(10 marks)

9. (a) Discuss the relevance and evidentiary value of 'Alibi' under Section 11 of the Indian Evidence Act, 1872.

(5 marks)

(b) Discuss the relevancy and admissibility of electronic records under Section 65B of the Indian Evidence Act, 1872.

(5 marks)

10. (a) What is the concept of Observation Home, Special Home, Children's Home, Special Juvenile Police Unit and Open Shelter under the Juvenile Justice (Care and Protection of Children) Act, 2015?

(6 marks)

(b) Who are the children in need of care and protection? How can the children in need of care and protection be rehabilitated in a family? What are the prescribed procedures laid down for it?

(4 marks)

HIGH COURT FOR THE STATE OF TELANGANA

Written Examination for recruitment to the post of District Judge (Entry Level) Under Direct Recruitment

Paper – III

(English Translation, Essay Writing and Grammar)

Date: 21st March, 2021

Time: 3 Hours, from 10:00 am to 1:00 pm

Maximum Marks: 100

Instructions to the candidates

1. **English translation** is for 30 marks consisting of two questions of 15 marks each. **Essay writing** is for 40 marks consisting of two questions of 20 marks each. **English Grammar** is for 30 marks consisting of 5 questions.
2. Translation has to be made from English language to either Hindi or Telugu language only.
3. Essay writing must be written in English only.
4. If the answers are not legible, such answers will not be evaluated.
5. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
6. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
7. No candidate will be permitted to leave the examination room/hall before 11:00 am.

I. English Translation – 30 marks – Two questions (15) marks each.

1. Authenticity of a document; its integrity – that it has not been tampered with or modified or altered in any manner, and its non-repudiation primarily ensure its admissibility, as evidence. Laws across jurisdictions provide modes and methods for accepting such authenticated documents in evidence, such as the originals of documents, in evidence without further processes for proving the

same. Laws also provide alternative methodologies for submitting secondary evidence of originals of such of those documents, which may not benefit from the secure levels of authenticity or integrity, as would originals. The rule that permeates global laws of evidence is to not shut out relevant evidence for fear of ease with which its authenticity or integrity may be tampered with.

The UNCITRAL Model Law on electronic signatures, which the Indian draftsman drew heavily from whilst formulating the laws for proving electronic records, placed substantial weightage to provide for acceptability of electronic documents in the same manner as article-based evidence. Standard forms of proving documents including by identifying creator of a document in the act of signing and association of that person with the content of a document was a sine qua non are scenarios that the model law took note of. Processes evolved at the beginning of the decade appear inchoate in the present digitally driven world of internet everywhere.

India's Information Technology Act, which also amended the Evidence Act, despite its late start in codifying laws for the digital domain, restricted its vision to the immediate need for enabling e-commerce. It was no wonder that the enactment required an overhaul within eight years of its inception. Such overhaul unfortunately did not encompass a review of the special provisions under the Evidence Act and the complexities built into the processes mandated therein.

2. It is premised on the principle that law can be general in its application, but it is rarely universal. There is so much diversity in every respect in every sphere of life that categorisation of people, things or events becomes a sheer necessity. Freedom of contract is considered the hallmark of a civilised and free society, but only adult persons who are of sound mind can be given this right. We have an adult franchise law whereunder adult citizens are voters but prisoners do not have the facility to cast their votes. Examples can be multiplied. However, though the lawmaker has the power to classify, his act of classification must fulfil two conditions: first, the basis of classification must be intelligible and should not have been specifically prohibited under the Constitution. Second, the basis of

classification should be relevant to the purpose of law. In judicial terminology, it is said that there should be some intelligible differentia between those who are part of the group and those that are left out, and the differentia should have rational relation with the object of the law. This requires some elaboration which is given below.

While describing the components of the reasonable classification, of which two of them have been mentioned above, that is, the basis of classification and the object of the law or that of the classification. But there is a third element as well, that is, the special treatment of favour or disfavour meted out to the classified people. A learned writer has called this the “what” element, whereas the other two are respectively called the “whom” and the “why” elements. Every classification involves a special treatment to a class of people to achieve an object. For example, when persons who are not adults or are not of sound mind, are deprived of the right to contract. Here is a classification between adult persons of sound mind and those who are not of that variety. People belonging to these two categories constitute the “whom” element. Adult people of sound mind are given a facility that they can enter into contract while the others are denied this facility. This is the “what” element. Lastly, all this is done to ensure that only those persons be given the right to take vital decisions about themselves and their fortunes who have the necessary mental capacity to understand the implications of their decisions or promises.

II. English Essay Writing not less than 1000 words – 40 marks. Two questions (20) marks each.

1. Human rights – Police investigation.
2. Legal aid and access to justice.

III. English Grammar – 30 marks. 5 questions (Marks given against each question).

A. Choose the correct Antonyms (words with opposite meaning) for the words given below: (10 x 1 = 10 marks)

1. Jubilation:

- a) Mourning
- b) Celebration
- c) Praising
- d) Enjoying

2. Extraordinary:

- a) great
- b) immense
- c) generous
- d) ordinary

3. Vigorous:

- a) energetic
- b) lively
- c) sprightly
- d) lethargic

4. Feasible:

- a) achievable
- b) vulnerable
- c) unachievable
- d) payable

5. Bewildering:

- a) puzzling
- b) confusing
- c) complex
- d) understandable

6. Constant:

- a) regular
- b) irregular
- c) continuous
- d) continual

7. Background:

- a) backdrop
- b) history
- c) foreground
- d) vintage

8. Facile:

- a) easy
- b) clear
- c) simplistic
- d) complex

9. Juvenile:

- a) mature
- b) young
- c) youthful
- d) childish

10. Proper:

- a) Good
- b) Correct
- c) Apt
- d) Unsuitable

B. Choose the correct sentence in the following sets: (5x1=5 marks)

1. a) Are you how?
b) You are how?
c) How are you?
d) How you are?
2. a) He went to the market to sell land his.
b) He to the market went to sell his land.
c) To the market he went sell to land his.
d) He went to the market to sell his land
3. a) I did not went yesterday.
b) I not went yesterday.
c) I did not go yesterday.
d) I not did go yesterday.
4. a) He always do's like that.
b) He always like that do's.
c) He always dos like that.
d) He always does like that.
5. a) I'm loving this coffee.
b) I love this coffee.
c) This coffee is loving.
d) I this love coffee.

C. Fill in the blanks with an appropriate word from those given below each sentence: (5x1=5 marks)

1. There is a post office _____ my house.
a. Besides b. Beside c. side to d. next
2. There is kindness _____ his nature.
a. be b. on c. in d. inside
3. He has been suffering _____ pneumonia.
a. By b. with c. from d. off
4. We must adapt ourselves _____ the changing circumstances.
a. with b. to c. for d. by
5. She could not come because _____ fever.
a. off b. of c. to d. by

D. Fill in the blanks with their meanings. (5 x 1 = 5 marks)

1. I am an optimist means _____
2. You are not a pessimist means _____
3. Theist is someone who _____
4. Atheist is someone who _____
5. The expression 'A to Z' means _____

E. Form correct sentences of your own with the following phrases:**(5 x 1 = 5 marks)**

1. pass by
2. give up
3. look into:
4. get into:
5. get across:
