



EXCLUSIVE

Paper Solution

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ODISHA Preliminary 2022



Exam Date : 27th March 2022



ODISHA PRELIMINARY EXAM 2022



Odisha Prelims. Paper 2022

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| | | 100 |



16. Consider the following statements:
Article 20 of the Constitution of India provides that,

A 20(3)
A. 20(2)

- (i) No person accused of any offence shall be compelled to be a witness against himself
- (ii) No person shall be prosecuted for the same offence more than once

Of the above statements:

- (A) Only (i) is true
- (B) Only (ii) is true
- (C) Both (i) and (ii) are true
- (D) Both (i) and (ii) are false

17. The president of India may be removed from his office on which of the following grounds ?
- (A) Proved misbehaviour
 - (B) Incapacity
 - (C) Both (A) and (B)
 - (D) Violation of the Constitution

AGI

L/w

A 356

363

18. In which case it was laid down that the amendment in the Constitution is exercise of legislative function of the Parliament"?

11/5.

- (A) Shankari Prasad v. Union of India
- (B) Golakh Nath v. State of Punjab
- (C) Sajjan Singh v. State of Punjab
- (D) Keshavanand Bharti v. State of Kerala

Over
rule

ODISHA PRELIMINARY EXAM 2022

19. The power of **Judicial Review** in India is possessed by-

- (A) Supreme Court of India only
- (B) All the High Courts only
- (C) All the Courts in India
- (D) **Supreme Court as well as High Courts**

Ans 13

Law: PART - IV



20. Council of States can withhold Money Bill for a period of:

- (A) 14 days
- (B) One month
- (C) Three months
- (D) None of these

ल्यो. सं.
Money
Bill.

A. 14

ODISHA PRELIMINARY EXAM 2022

21. Which one of the following is the correct statement?
In deciding the question as to the disqualification of a Member of Parliament, the President shall act:
- (A) According to the opinion of Election Commission
 - (B) According to the opinion of the Supreme Court
 - (C) With the aid and advice of the Council of Ministers
 - (D) In his own discretion

A. 103



22. Which one of the following is not an essential condition for appointment as a judge of Supreme Court?

(A) A citizen of india

(B) At least five year's experience as judge of a High Court or of two more such courts in succession.

(C) Must have completed the age of 35 years.

(D) At least ten years experience as an advocate of a HC or of two or more such courts in succession.

L/w

Pr

V-Pr

Civ.

23. Article 21 of the Constitution of India incorporates the right to *Doctor's assistance", in which of the following cases, this was decided?
- (A) Indian Medical Council v, V. P. Shantha
 - (B) Sunil Batra V, Delhi Administration
 - (C) Pamanand Katara v. Union of India
 - (D) *X* v "Z" Hospital

Health

ODISHA PRELIMINARY EXAM 2022

24. Find out the **mismatched pair:**

- C** (A) S. C. Advocate-on-Record Association v. U. o. 1, = Constitutionality of **N. J. A. Commission**
- ~~B~~ (B) Shreya Singhal v. U. O. I. = Recognition of **unwed mother**
- (C) Shatrughan Chauhan v. U.O.I. = **Clemency Power of President**
- (D) National Legal Services Authority v. U. O. I. = **Recognition of Third Gender**

IT ALL
S. 66A



25. Which one of the following cases is related to doctrine of pith and substance ?
- (A) Dr. Yash Pal v. State of Chhattisgarh
 - (B) Prafulla Kumar v. Bank of Commerce
 - (C) D. C. Wadhwa v. Sate of Bihar
 - (D) State of Bombay v. F. N. Balsara

26. Pleadings must be signed by:
- (A) The party only
 - (B) The pleader only
 - (C) The party as well as pleader both
 - (D) None of these

CPC

O-6

R-14



27. Under sections 3 of CPC, courts of small causes, are subordinate to which of the following:

- (A) District Court only
- (B) High Court only
- (C) Both A and B
- (D) Neither A nor B

CPC

C & B

28. a
c

28. Who amongst the following is not "a public officer" within the meaning of Section 2(17) of CPC?

(A) A Judge

(B) A municipal councillor

(C) A person in the service of Government for the performance of public duty

(D) An inspector of police



29. Which of the following provision is related with set-off under CPC?

- (A) Order VIII Rule 5
- (B) Order VIII Rule 6
- (C) Order VII Rule 5
- (D) Order VII Rule 6

Leg
Set
off

ODISHA PRELIMINARY EXAM 2022

30. The foreign judgement, subject to certain exceptions, is given binding character under:

(A) Section 12 of CPC

~~(B) Section 13 of CPC~~

(C) Section 14 CPC

(D) Section 15.CPC

31. Under which provision of the Code of Civil Procedure, 1908 the collector may be appointed as receiver?

- (A) Order XL Rule 5
- (B) Order XLI Rule 1
- (C) Order XL Rule 2
- (D) Order XLI Rule 5

Land
Revenue
Payable

XL



32. Which one of the following is not a suit of civil nature?

(A) Suit for dissolution of marriage ✓

(B) Suit for rights to hereditary office ✓

✓ (C) Suit for upholding mere dignity or honor

(D) Suit for specific relief ✓

only

33. Find out the mismatched pair:

(A) Res judicata = sec. 11, CPC

~~(B) Power of SC to transfer suits etc. Sec. 24 CPC~~

(C) Compensatory costs in respect of false or vexatious claims or defenses = sec. 35A CPC

(D) Costs for causing delay = Sec. 35B, CPC

S. 25.

34. Find out the mismatched pair:

(A) Exemption of certain women from personal appearance = Section 132, CPC

SG ✓ (B) Prohibition of arrest of women in execution of decree for money = Section 57 CPC

(C) Right to lodge Caveat = Section 148A, CPC

(D) Language of the subordinate courts = Section 137, CPC

woman

LINK



35. Which of the following provides for filing of suits by indigent persons:

- (A) Order XXXII
- (B) Order XXXIII ——— 0.33
- (C) Order XXIIA
- (D) None of these

ODISHA PRELIMINARY EXAM 2022

36. The provision relating to health and safety of arrested person have been prescribed under which one of the following Sections of the Cr. P.C.?

(A) Section 50 A

(B) Section 53 A

(C) Section 55 A

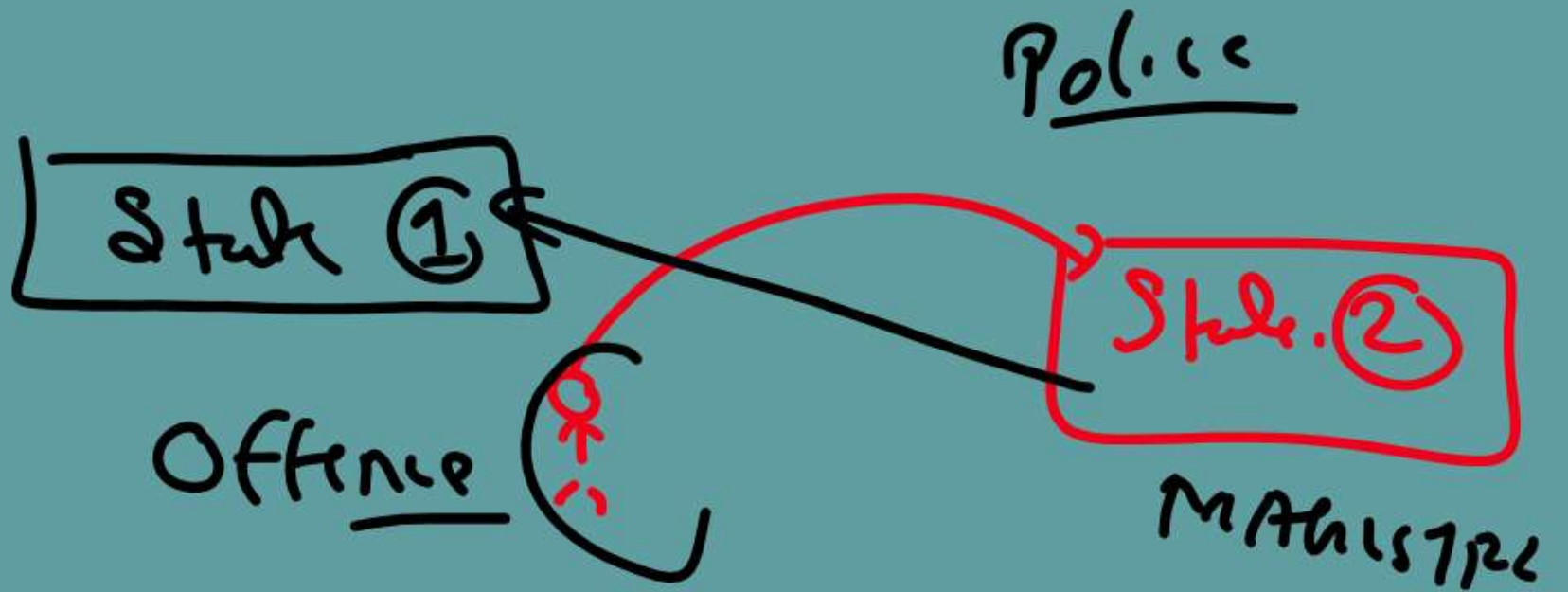
(D) Section 60 A

37 Under Section 167 of the Cr. P. C., the magistrate can authorize detention for a total period of 90 days during investigation in cases of offences punishable:

- (A) With death
- (B) With imprisonment for life
- (C) With imprisonment for a term not less than 10 years
- (D) All of these

90/60

38. What does the expression "transit remand" denote?
- (A) It is a transfer of prisoner from one jail to another
 - (B) It is a transfer of criminal case from one court to another
 - (C) It is taking out an accused by police from one state to another state
 - (D) It is taking out of the accused from court to prison.





39. A police officer is duty bound to register case on receiving information of cognizable offence, Reliability of information is not condition precedent for registration.

The above rule is incorporated in:

- (A) Section 153 of Cr.P.C.
- (B) Section 154 of Cr.P.C.
- (C) Section 155 of Cr. P.C.
- (D) Section 156 of Cr. P. C.

40. "All evidence in an inquiry or trial shall be taken in the presence of the accused." Which Section of the Cr. P. C. lays down the above rule?

- (A) Section 273
- (B) Section 274
- (C) Section 275
- (D) Section 276



- 41. Which one of the following offences, La Chief Judicial Magistrate, cannot try in a summary way?**
- (A) Theft, where the value of the property does not exceed two thousand rupees
 - (B) Theft, where the value of the property stolen exceeds three thousand rupees
 - (C) A complaint made under the Cattle Trespass Act
 - (D) Offences under Section 454 and 456 of the IPC



- 42. The power to grant anticipatory bail under Section 438 Cr. P. C. vests with:**
- (A) The Court of Magistrate**
 - (B) Only in the Court of Sessions**
 - (C) Only in the High Court**
 - (D) Both the Court of Sessions and High Court**



43. Which one of the following Sections of Cr. P. C., deals with High Courts power of revision ?
- (A) Sec. 395
 - (B) Sec. 401
 - (C) Sec. 399
 - (D) Sec. 396



44. **D.K. Basu V. State of West Bengal (1997) Cr. L.J. 743 is the case dealing with:**
- (A) Arrest of persons**
 - (B) Mode of taking and receiving evidence.**
 - (C) Transfer of criminal cases.**
 - (D) None of these**



45. Read the following statements :
- (i) Provisions for Plea Bargaining are contained in Chapter XXIA of the Cr.P.C.
 - (ii) Chapter XXIA of the Cr. P. C. was added on the recommendation of Justice Verma Committee Report
- Of the above statements :
- (A) (i) is true but (ii) is false
 - (B) (i) is false but (ii) is true
 - (C) Both (i) and (ii) are true
 - (D) Both (i) and (ii) are false



46. The case of *R. M. Malkani v. State of Maharashtra* is related to which of the following:
- (A) Leading Question
 - (B) Accomplice
 - (C) Res gestae
 - (D) None of these



47. "Witnesses are the eyes and ears of Justice", who said 80 ?
- (A) Kant
 - (B) Bentham
 - (C) Pollock
 - (D) Ihering



- 48. Reliability of date of birth for the purpose of Indian Evidence Act is contained in:**
- (A) Section 33**
 - (B) Section 34**
 - (C) Section 35**
 - (D) Section 36**



- 49. Under Section 14 of the Evidence Act, which of the following facts becomes relevant, namely?**
- (A) Facts showing state of mind**
 - (B) Facts showing state of body**
 - (C) Facts showing state of bodily feelings**
 - (D) All of these**



50. Read the following statements:

- (i) The term 'confession' is nowhere defined in the Evidence Act
 - (ii) Lord Atkin had clarified confession in *Pakla Narain Swamiv. Emperor*
 - (ii) The SC of India has accepted the definition given by Lord Atkin in *Pahvinder Kaurv. State of Punjab*
- Of the above statements:

- (A) Only (i) and (ii) are true
- (B) Only (i) and (iii) are true
- (C) Only (i) and (iii) are true
- (D) All (i), (ii) and (iii) are true



51. Read the following statements :

- (i) The presumption of Legitimacy of child is governed by S. 112 of the Evidence Act**
- (ii) Narendra Nath Pahari v. Ram Govind Pahari is a leading case on the legitimacy of a child born during the subsistence of valid marriage Of the above statements:**

- (A) (i) is true but (ii) is false**
- (B) (i) is false but (ii) is false**
- (C) Both (i) and (ii) are true**
- (D) Both (i) and (ii) are false**



52. Find out the odd one case:

- (A) Pickard v. Sears**
- (B) Sarat Chunder Dey v. Gopal Chunder Dey**
- (C) Queen Empress v. Abdullah**
- (D) Sri Krishna v. Kurukshetra University**



53. Assertion (A): 'A' is accused before the court of sessions of attempting to murder a police officer whilst on the trial before 'B', a session judge. 'B' may be examined as to what occurred.

Reason (R): A judge or Magistrate is a competent witness.

- (A) Both (A) and (R) are true**
- (B) Both (A) and (R) are false**
- (C) (A) is true but (R) is false**
- (D) (A) is false but (R) is true**



54. Point out the mismatched pair:

- (A) Communication during marriage = Section 112**
- (B) Evidence as to affairs of state = Section 123**
- (C) Confidential communication with legal advisers = Section 128**
- (D) Evidence of an accomplice = Section 133**



55. Which Section of Indian Evidence Act defines Leading Question :

- (A) Section 138**
- (B) Section 139**
- (C) Section 140**
- (D) Section 141**



- 56. Taking property dishonestly from the dead body:**
- (A) Does not amount to any offence under IPC
 - (B) Amounts to the offence of theft
 - (C) Amounts to the offence of criminal misappropriation
 - (D) Amounts to the offence of criminal breach of trust



57. In which one of the following cases did the Supreme Court explain the concept of grave and sudden provocation as a mitigating circumstance reducing the gravity of the offence from murder to culpable homicide not amounting to murder?

- (A) State v. Dasrath
- (B) Jagroop Singh v. State of Haryana
- (C) K. M. Nanavati v. State of Maharashtra
- (D) Ujagar Singh v. Emperor



58. 'X' on receiving grave and sudden provocation from 'Z' intentionally causes the death of 'Y', who is brother of 'Z': 'X' has committed the offence of ;
- (A) Murder
 - (B) Grievous hurt
 - (C) Culpable homicide not amounting to murder
 - (D) Attempt to murder



59. 'X' with a view to murdering 'Y' enters 'Y's bedroom at night when 'Y' is out of station. 'X' is guilty of:
- (A) Murder
 - (B) House trespass
 - (C) Attempt to murder
 - (D) Not guilty



60. In which one of the following cases the SC of India has struck down S.303 IPC as unconstitutional ?
- (A) Machhi Singh v. State of Punjab
 - (B) Gyan Kaur v. State of Punjab
 - (C) Mithu v. State of Punjab
 - (D) Santa Singh v. State of Punjab



61. The case of R. V. Dudley and Stephens is popular for its use as criminal defence of:
- (A) Necessity
 - (B) Self-defense
 - (C) Good-faith
 - (D) Mistake of fact

PAPER SOLUTION



28 March 2022

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- 62. Which one of the following statement is correct?
In Sedition:**
- (A) The consequence is immaterial**
 - (B) The consequence is material**
 - (C) The consequence acts as a mitigating factor**
 - (D) The consequence becomes material only if it is foreseen**



- 63. A bullock-cart carrying a box of treasure is intercepted by 'A'. The offence of theft is committed by 'A' if and as soon as :**
- (A) He seizes the bullock**
 - (B) The bullock is made to move by him in his direction**
 - (C) He takes the box of treasure**
 - (D) He takes the valuable contents of the treasure.**



64. 'A' obtained a sum of Rs. 10,000 from 'B' by putting 'B' in fear of death. Which one of the following offences was committed by 'A'?
- (A) Cheating
 - (B) Robbery
 - (C) Mischief
 - (D) Extortion



65. Use of violence by a member of an assembly of five or more persons in furtherance of common object will constitute:
- (A) Affray
 - (B) Assault
 - (C) Rioting
 - (D) Unlawful assembly



66. Find out the false statement:

- (A) The law of limitation is part of lex fori
- (B) The Limitation Act, 1963 does not make any racial or class distinction
- (C) For filling a writ petition under Article 32 of the Constitution, limitation of 120 days is prescribed in the Act
- (D) Provisions of the Act are not applicable for an application under the Religious Endowment Act



- 67. Under Section 3 of the Limitation Act, the competent court is required to consider the question of limitation:**
- (A) Only when opposed by the opposite party**
 - (B) Only when the defendant denies the liability**
 - (C) Only when the opposite party fails to reply**
 - (D) Suo motu even when the defendant has not taken any such objection regarding limitation**



68. Consider the following:

- (i) The Supreme Court in *N. Balakrishnan v. M. Krishnamurthy* (1998) 7 SCC 123 refused to condone the delay on the ground of sufficient cause.
- (ii) In the case of *R.B. Ramalingam V. R.B> Bhavneshwari* (2009) 2 SCC 689, the SC observed that the test of sufficient cause is purely an individualistic test.

Of the above statements:

- (A) (i) is true but (ii) is false
- (B) (i) is false but (ii) true
- (C) Both (i) and (ii) are true.
- (D) Both (i) and (ii) are false



69. Consider the following:
- (i) Under Section 13 of the Limitation Act, the time is excluded if the application for leave to sue or appeal as indigent person is allowed.
 - (ii) The establishment of 'good faith' is a pre requisite condition before granting benefit of Section 13 to the party
- Of the above statements:
- (A) Only (i) is true and (ii) is false
 - (B) Only (ii) is true and (i) is false
 - (C) Both (i) and (ii) are true
 - (D) Both (i) and (ii) are false



70. Find out the incorrect statement:

- (A) Section 24 of the Limitation Act is unconditional**
- (B) If a question of limitation arises, the instrument must be deemed to have been made with reference to the Gregorian Calendar**
- (C) In computing the period of limitation the day from which the period is to be reckoned has to be included**
- (D) Where a mortgage provided for payment of principal within 3 years from 06.10.2012, the period expires on the midnight of 06.10.2015**



- 71. Section 15 of the Limitation Act, 1963 does not apply to:**
- (A) Suits**
 - (B) Appeals**
 - (C) Application for the execution of a decree.**
 - (D) None of these**



72. In which of the following cases, sec. 10 of the Limitation Act, 1963 applies?
- (A) Express trust only
 - (B) Implied trust only
 - (C) Both (A) and (B)
 - (D) None of these

73. Consider the following:
- (i) Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it.
 - (ii) In the case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may be, continues

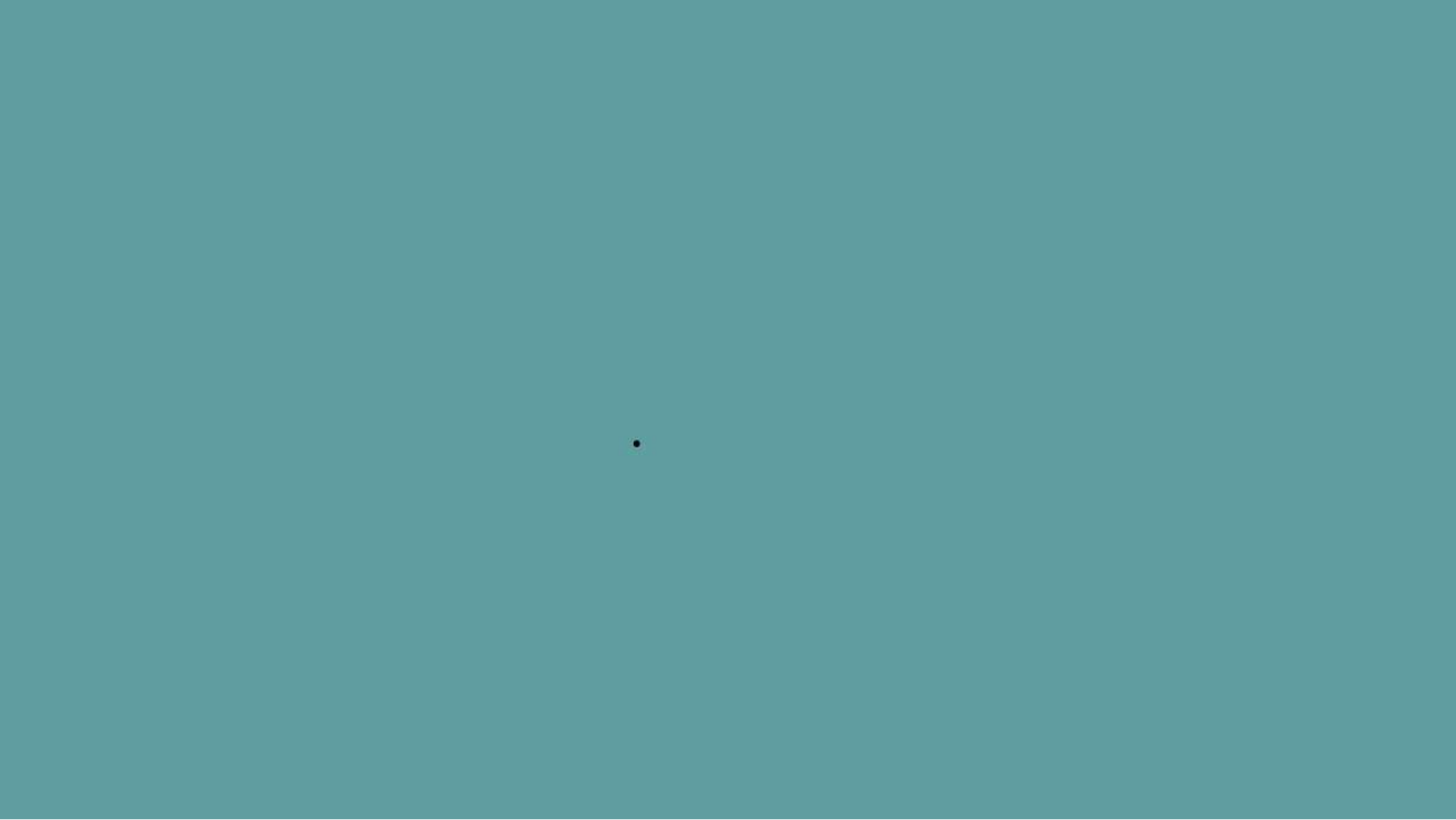
Of the above statements:

- (A) (i) is true but (ii) is false
- (B) (1) is false but (ii) is true,
- (C) Both (i) and (ii) are true
- (D) Both (i) and (ii) are false



74, Which Section of the Limitation Act, 1963 provides provisions regarding acquisition of easement by prescription?

- (A) Section 21**
- (B) Section 23**
- (C) Section 25.**
- (D) None of these**



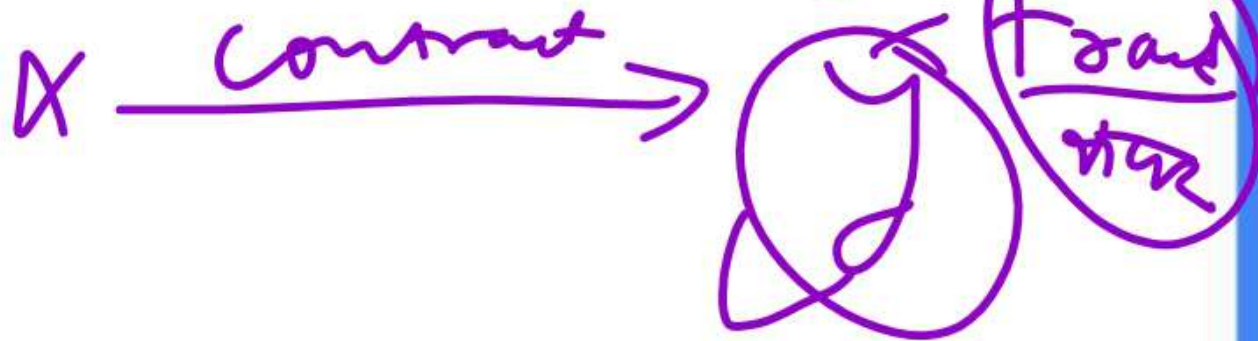
84. Novation of a contract means:

- (A) The renewal of original contract α
- (B) Substitution of a new contract in place of original contract ✓
- (C) Cancellation of contract
- (D) Alteration of contract

S. 62

85. "X" enters into a contract with "Y" for which "Y" is guilty of fraud. "X" can:

- (A) Set aside the contract and recover damages
- (B) Set aside the contract but cannot recover damages
- (C) Recover damages but cannot set aside the contract
- (D) Recover damages for actual loss suffered



ODISHA PRELIMINARY EXAM 2022

✓ 86. When a person making a false statement believes the statement to be true and does not intend to mislead to the other party to the contract, it is known as:

- (A) Mistake
- (B) Fraud
- (C) Misrepresentation
- (D) Undue influence

Intention →

17

18

16

20, 21, 22

दुर्लभ दशत

✓ 87. Which one of the following statement is correct?
Generally quasi-contractual obligations are based on the theory of:

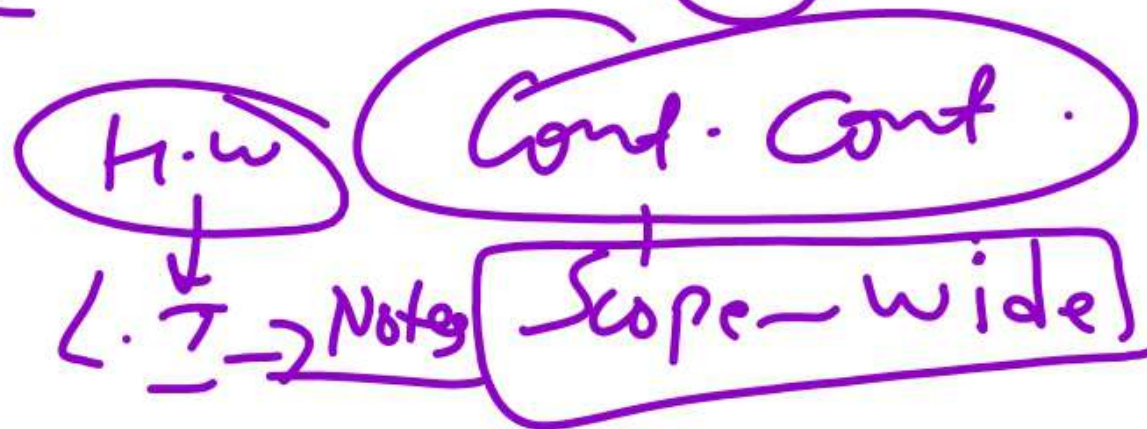
- (A) Implied term
- ✓ (B) Unjust enrichment
- (C) Just and reasonable solution
- (D) None of these



✓ Quasi-Contract उत्तर-अज्ञान
[68-72]

✓ 88. A contract of life insurance, the performance of which depends upon a future event, falls under the category

- (A) Contract of indemnity
- (B) Contract of guarantee (X)
- (C) Contingent contract
- (D) Uncertain contract (X)



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89. Lending money to a borrower, at high rate of interest, when the money market is tight, renders the agreement of loan:

- (A) Void ✗ *शून्य*
- ✓ (B) Valid — *वैध*
- (C) Voidable — *शून्यकरणीय*
- (D) Illegal



Sec. 56

① impossibility

Commercial Hardship

ODISHA PRELIMINARY EXAM 2022

90. A and B are friends. A told B to show him a new movie in a posh multiplex, upon which A promised to offer him lunch in a five-star hotel. B showed him a movie in a multiplex, but a gave lunch to B in a road side dhaba. Decide A's liability:

- (A) A is liable because there was intention to create legal relationship between A and B
- ✓ (B) A is not liable because there was no intension to create legal relationship between A and B
- (C) A was mistaken
- (D) B was mistaken

91. Which one of the following cases is related to damages for breach of contract?
- (A) Lalman Shukla V. Gauri Dutt
 - (B) Carlil V. Carbolic Smoke Ball Co.
 - (C) Hadley V. Baxendale
 - (D) Taylor V. Caldwell

92. If no time is specified in the contract for its performance:

- (A) The contract is void for uncertainty
- (B) The contract is voidable at the option of either party
- (C) The contract is not void for uncertainty and it may be performed within a reasonable time
- (D) The contract is void as time is the essence of contract

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