

HIGH COURT OF KERALA

KERALA STATE HIGHER JUDICIAL SERVICE (PRELIMINARY) EXAMINATION - 2017

QUESTION BOOKLET

Date of Examination: 29.07.2018

Roll Number:

Maximum Marks: 200

Duration: 2 ½ Hours (10 a.m. to 12.30 p.m.)

INSTRUCTIONS TO THE CANDIDATES

1. Candidates should write their Roll Number in their Question Booklets at the space provided for the purpose.
 2. This Question Booklet contains 100 Objective Type Multiple Choice questions carrying two marks each. One mark will be deducted for each incorrect answer.
 3. Candidates **should not open** their Question Booklets before 10 a.m. After opening the Question Booklet at 10 a.m., ensure that it contains 100 questions in serial order from 1 to 100. If there are any missing or illegibly printed questions, the matter should be brought to the notice of the Invigilator immediately and the Question Booklet should be got replaced.
 4. Four answers are given as (A), (B), (C) and (D) to each question. Out of these, only one answer is correct. Answers to the questions should be marked in the separate **OMR Answer Sheet** by darkening the appropriate bubble against the question number in the OMR Answer Sheet.
 5. The candidates should use only **BLACK/BLUE Ballpoint** pen for filling the various entries and marking answers in the OMR Answer Sheet. Use of pencil, Gel pen or sketch pen and use of any colour ink other than black/blue is not permitted.
 6. No candidate will be allowed to leave the examination hall without handing over the OMR Answer Sheet to the Invigilator. Candidates can take the Question Booklet with them.
 7. Answer Key will be published in the wesbsite www.hckrecruitment.nic.in after the examination.
 8. Strict compliance of instructions is essential. Any malpractice or attempt to commit any kind of malpractice in the examination will result in summary disqualification of the candidate.
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1. Can a person, entering land belonging to another with his permission, claim title to it by adverse possession after the statutory period under any circumstances?

- (A) No. Not at all.
- (B) Yes. If such a person had inducted another person, then the successor-in-possession can claim.
- (C) Yes. He can claim as there is no legal bar.
- (D) Yes. If such a person had renounced his permissive possession to the knowledge of the owner and re-entered it with a hostile animus.

2. Per curiam opinion means --

- (A) an opinion purely on facts
- (B) an opinion purely on legal principles
- (C) an opinion stated in opposition to a fact or a law
- (D) an opinion handed down by an appellate court without identifying the individual judge who wrote the opinion

3. S.27 of the Limitation Act, dealing with the extinguishment of right to property, lays down a rule of

- (A) procedural law
- (B) substantive law
- (C) partly procedural and partly substantive law
- (D) None of the above

4. Which of the following is an essential condition for rectification of an instrument under S.26 of the Specific Relief Act, 1963?

- (A) On account of the misrepresentation by one of the parties, the

contract does not express their real intention.

- (B) On account of fraud by one of the parties, the contract does not express their real intention.
- (C) On account of fraud or mutual mistake of the parties, the contract does not express their real intention.
- (D) On account of a legal mistake of the parties, the contract does not express their real intention.

5. A party to a suit claiming adverse possession can tack on the period of his own possession with any one else, provided

- (A) both have completed possession for 12 years each.
- (B) the party claims possession through his predecessor-in-possession.
- (C) the party claims possession in his independent right.
- (D) both possessed the property together.

6. In a proceeding under S.47 CPC, apart from the execution, discharge and satisfaction of a decree, the validity of the decree itself can be challenged. This statement is

- (A) True
- (B) False
- (C) Partly true
- (D) None of the above.

7. Find out the most appropriate option:

Multiplicity of proceedings connote

- (A) plurality of litigations between the same parties in respect of causes of action existing at a given point in time

- (B) plurality of litigations between different parties in respect of causes of action existing at a given point in time
 - (C) plurality of litigations between successors-in-interest of the parties
 - (D) plurality of litigations between one party to a suit and a stranger
8. Validity of a decree passed by a court without jurisdiction can be challenged under S.47 CPC in an execution proceedings or collateral proceedings. This statement is
- (A) True
 - (B) False
 - (C) It can be challenged only in execution proceedings.
 - (D) It can be challenged only in collateral proceedings.
9. Two suits were filed, wherein the plaintiff in one suit is the defendant in the other. Both were tried together and disposed by a common judgment. The suit filed by one party was dismissed and his contention as defendant in the other suit was also rejected. However, he filed an appeal only against the decree in one suit. Whether maintainability of the appeal can be challenged?
- (A) No. Appeal is maintainable.
 - (B) Yes. Appeal is barred by res judicata under S.11 CPC.
 - (C) Yes. Appeal is barred by estoppel.
 - (D) Appeal is barred under O.II R.2 CPC.
10. A lets a house to B for a yearly rent of Rupees one lakh. Rent for the whole years of 2015, 2016 and 2017 is due and unpaid. A sues B in 2018 only for the rent due for 2016. Can A afterwards sue B for the rent due for 2015 and 2017.

- (A) Yes. He can file a suit within the period of limitation.
 - (B) No. He cannot file a suit for rent fell due in 2015 and 2017
 - (C) He can file a suit for rent due for 2017 only
 - (D) He can file a suit for rent due for 2015 only
11. Forum for appeal is decided with reference to
- (A) the date of decree
 - (B) the date when a certified copy is obtained
 - (C) the date of institution of the suit
 - (D) the date of filing the appeal
12. Fraudulent misrepresentation as to nature and character of a document makes the document
- (A) void
 - (B) voidable
 - (C) sham transaction
 - (D) ignorable
13. What is the period of limitation for filing an application to pass a final decree in a suit for partition?
- (A) One year
 - (B) Three years
 - (C) Twelve years
 - (D) There is no limitation prescribed
14. A filed a suit against B for a prohibitory injunction decree alleging that latter has no right to build on his vacant land, lying in between a public road and A's property, so as to obstruct the prospect (view) from

his house as he has acquired a right. How will you decide?

- (A) Suit is maintainable, if prescriptive easement right is proved.
- (B) Suit is maintainable since A has a natural right to have a view.
- (C) Suit is not maintainable as A cannot have a natural right or easement right for such a claim.
- (D) Suit is maintainable, if customary right is established.

15. When a suit is instituted in a court having no jurisdiction over the subject matter, how can the parties subsequently validate its institution?

- (A) It can never be validated by the act of parties.
- (B) It can be validated by taking recourse to O.II R.2 CPC.
- (C) It can be validated by seeking a transfer under S.24 CPC to a proper court
- (D) It can be validated by amending the valuation

16. Which among the following is a correct statement

- (A) Injunction decree can be granted to restrain any person from instituting or prosecuting any proceedings in a criminal matter
- (B) Appeal lies from any decree passed in a suit under Section 6 of the Specific Relief Act, 1963
- (C) The jurisdiction to decree specific performance is discretionary, but the court shall not deny such a relief if it is lawful to grant.
- (D) A contract which is in its nature determinable cannot be specifically enforced.

17. Property belonging to A, a Muslim minor, was alienated by his mother B for a pressing necessity of A. The alienation is challenged by

A on attaining majority. How will you decide?

- (A) The alienation is valid because it was for a necessity of A himself.
- (B) Alienation is void as B is only a *de facto* guardian.
- (C) Alienation is valid as B is the *de jure* guardian.
- (D) Alienation is voidable at the instance of A on establishing fraud, coercion, etc.

18. A, a Muslim, executes a Will in respect of 3/4 share in his property in favour of his son B and then he dies. His daughter C files a suit for partition of her 1/3rd share in the father's property by disputing the Will. Decide.

- (A) Suit is not maintainable for 1/3rd right as the Will takes effect after his death.
- (B) Suit is maintainable, since he had left behind some properties to be shared among his heirs.
- (C) Suit is maintainable as the Will cannot take effect without C's consent after the death of A.
- (D) Suit can be maintained only if the Will is proved to be not properly executed in accordance with law.

19. Which statement is true : Under S.6 of the Specific Relief Act, 1963

- (A) no suit can be filed against the true owner.
- (B) no suit can be filed against an incorporated company.
- (C) No suit can be filed against the Government without leave of the court.
- (D) No suit can be filed against the Government.

20. In respect of a suit under S.92 CPC which of the following statements is true.

- (A) A suit may be instituted by the Advocate General with the previous sanction of the Government.
- (B) A suit may be instituted by two or more persons having an interest in the trust with the leave of the court.
- (C) A suit may be instituted by the Advocate General with the leave of the court
- (D) A suit may be instituted by two or more persons having an interest in the trust with the permission of the Advocate General.

21. In a suit, the trial court passed a decree for recovery of possession of immovable property. The defendant filed an appeal. No stay of execution of decree was granted by the appellate court. Pending the appeal, the suit property was delivered to the plaintiff in execution of the decree. Ultimately the appellate court allowed the appeal and dismissed the suit. The decree has become final. What is the remedy available to the defendant?

- (A) File a suit for recovery of possession.
- (B) File an application under O.XXI R.97 CPC.
- (C) File an application before the appellate court under S.144 CPC for restitution.
- (D) File an application before the trial court under S.144 CPC for restitution.

22. A mortgagor binds himself to repay the mortgage money on a certain date and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage money as agreed. The

transaction is called

- (A) mortgage by conditional sale
- (B) simple mortgage
- (C) anomalous mortgage
- (D) English mortgage

23. In which of the following cases, leave of the court is necessary.

- (A) When a minor plaintiff opts to abandon the suit on attaining majority.
- (B) When a decree in favour of a minor is sought to be executed
- (C) To compromise a suit in which the plaintiff is a minor
- (D) To sue as next friend of a minor

24. S.41 of the Indian Easements Act, 1882 is dealing with extinguishment of

- (A) prescriptive easement
- (B) customary easement
- (C) easement of necessity
- (D) easement by grant

25. A acquires a right of prescriptive easement to draw water from B's pond for an industrial purpose. Subsequently he changes the machinery. The new machinery consumes more water. B objects to drawing of water. Is B's claim sustainable?

- (A) Yes, because it amounts to increase of easement.
- (B) No. B cannot restrict the quantity of water since A has prescribed the right to draw any quantity of water.

- (C) B cannot object since there is no variation in the mode of enjoyment.
 - (D) A cannot draw water, since he prescribed the right only in respect of old machinery.
26. Which of the following statements is true?
- (A) A licence may be revoked by the grantor, if it is coupled with a transfer of property and such transfer is in force.
 - (B) A licence may be revoked by the grantor if the licensee, acting upon the licence, has executed a work of permanent character and incurred expenses therefor.
 - (C) A licence is a grant of a right to do in or upon the immovable property of the grantor.
 - (D) A licence is a transfer of property.
27. A prescribed a right of way over B's property under S.15 of the Easements Act, 1882. Later, he transfers the property to C for consideration. The document does not specifically mention the existence of a right. Later B disputes C's right to exercise the prescriptive easement right. Whether the contention of B can succeed?
- (A) Yes. The prescriptive easement right was personal to A.
 - (B) No. The transfer of dominant heritage would pass the easement to the person in whose favour the transfer was effected.
 - (C) Yes. since the document in favour of C did not specifically mention the right of way.
 - (D) Yes. In the absence of a specific mention in the document it is deemed that A himself has retained the right of way.
28. Which one is a wrong proposition in law?

- (A) After Hindu Succession (Amendment) Act, 2005 a daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as the son.
- (B) Daughter has the same right in the coparcenary property as she would have had, if she had been a son.
- (C) Daughter will be subject to the same liabilities in respect of the said coparcenary property as that of a son.
- (D) The said amendment shall affect or invalidate all dispositions or alienations, including any partition or testamentary disposition of the property.

29. A is the father of B, both were Hindus. Both of them died in a shipwreck. It was uncertain whether either of them and if so, which survived the other. What will be the rule of succession in such a case?

- (A) B, the son, shall be presumed to be died first.
- (B) A, the father, shall be presumed to be died first.
- (C) Both of them died together and therefore no presumption.
- (D) It depends on the facts in each case.

30. Two persons filed a suit for recovery of possession against three defendants alleging that the trust property vested in them for a specific purpose has been alienated unauthorisedly. The suit was filed after a period of five years from the date of alienation. The defendants contended that the suit is barred by limitation. Decide.

- (A) The suit is barred as it is instituted beyond one year from alienation.
- (B) The suit is barred since it is instituted beyond three years from alienation.

- (C) The suit is not barred because it is instituted within 12 years from alienation.
- (D) The suit is not barred because there is no limitation prescribed for such a suit.

31. A suit for compensation for malicious prosecution shall be instituted within

- (A) one year from the date of acquittal of the plaintiff or the prosecution is otherwise terminated.
- (B) two years from the date of acquittal of the plaintiff or the prosecution is otherwise terminated.
- (C) three years from the date of acquittal of the plaintiff or the prosecution is otherwise terminated.
- (D) twelve years from the date of acquittal of the plaintiff or the prosecution is otherwise terminated.

32. Under Article 113 of the Limitation Act, 1963, any suit for which no period of limitation is provided in the schedule shall be instituted within when the right to sue accrues.

- (A) one year
- (B) two years
- (C) three years
- (D) twelve years

33. Which of the following agreements is void?

- (A) For natural love and affection, A promises to give his son B a property. He reduces the promise into writing and registers it.
- (B) A promises for no consideration to give B rupees ten thousand.

- (C) A supports B's minor son for his studies. B promises to pay A's expenses in so doing. The terms are reduced to writing.
 - (D) A owes B rupees ten thousand, but the debt is barred by limitation. A signs a written promise to pay B rupees five thousand on account of the debt.
34. Which of the following is not a reason for the principal to terminate an agency?
- (A) Agent renouncing the business of agency.
 - (B) The business of agency being completed.
 - (C) The agent becoming of unsound mind.
 - (D) The agent has exercised his power so as to bind the principal.
35. Which of the following is not a reason to set aside an arbitral award under S.34 of the Arbitration and Conciliation Act, 1996?
- (A) A party was under some incapacity.
 - (B) The arbitration agreement is not valid under law to which the parties have been subjected to.
 - (C) A party making the application to set aside was not given proper notice of appointment of an arbitrator.
 - (D) The arbitrator was allegedly partisan.
36. Under S.9 of the Arbitration and Conciliation Act, 1996, which of the following powers does not exist in a court?
- (A) Preservation of any goods which are the subject matter of the arbitration agreement
 - (B) Securing the amount in dispute in the arbitration
 - (C) Interim injunction

(D) Arrest of the opposite party under the provisions in the CPC.

37. Arbitral proceedings commences on

- (A) the date on which a request for the dispute to be referred to arbitration is received by the respondent.
- (B) the date on which a request for the dispute to be referred to arbitration was sent by a party.
- (C) the date on which an arbitrator was appointed.
- (D) the date on which the arbitral proceedings actually commenced.

38. Where two clauses of deed are irreconcilable, the last one shall prevail.

- (A) gift
- (B) assignment
- (C) mortgage
- (D) will

39. A Will or any part of a Will, making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator is

- (A) void
- (B) voidable
- (C) valid
- (D) vitiated

40. A probate shall be granted only to

- (A) an administrator appointed under the Indian Succession Act, 1925

- (B) an executor appointed by the Will
 - (C) an executor appointed by the court
 - (D) an executor appointed by the administrator
41. Which of the following is a reason not to grant a perpetual injunction under S.38 of the Specific Relief Act, 1963?
- (A) Where the defendant is a trustee for the plaintiff.
 - (B) Where the invasion is such that compensation in money would not afford adequate relief.
 - (C) Where the injunction is necessary to prevent multiplicity of proceedings.
 - (D) To prevent breach of a contract, the performance of which would not be specifically enforced.
42. Fill up the blank: Every transfer of immovable property made with an intend to creditors of the transferor shall be voidable at the option of the creditor.
- (A) defeat or delay
 - (B) cause any unlawful loss to
 - (C) defraud
 - (D) cause inconvenience to
43. What shall a Judge do in an application for succession certificate if he finds that he cannot decide the right to the certificate without determining the questions of law or fact which seem to be too intricate and difficult for determination in a summary proceeding.
- (A) He may dismiss the application and refer the parties to a regular civil court.

- (B) He may grant a certificate to the applicant if the applicant appears to be the person having prima facie the best title thereto.
- (C) He may convert the original application into a suit and try the suit.
- (D) He may in the same proceedings decide the complicated questions.

44. A buyer is not entitled to the statutory charge under S.55(6)(b) of the Transfer of Property Act, 1882

- (A) if he has delayed the payments
- (B) if he fails to sue for specific performance
- (C) if he has improperly declined to accept delivery of the property
- (D) if the agreement is silent about any charge

45. A registered trade union has filed a suit for realisation of rupees one thousand, but no court fee is paid on the plaint. The court shall

- (A) require the District Collector to pay the court fee
- (B) exempt the plaintiff from paying the court fee
- (C) direct the plaintiff to pay the court fee and if the same is not paid, reject the plaint
- (D) straightaway dismiss the suit

46. Immovable property belonging to a judgment debtor was sold in execution of a money decree. There was no attachment preceding the sale. Which of the following statements is true?

- (A) The sale is void.
- (B) The sale is liable to be set aside under O.XXI R.90 CPC.
- (C) The sale is valid.

(D) The sale could not be confirmed.

47. A promissory note was executed in favour of the plaintiff on 01.01.2015. What is the last date of filing the suit for realisation of money based on the promissory note?

(A) 01.01.2016

(B) 31.12.2017

(C) 01.01.2018

(D) 31.12.2015

48. Which one of the following is not a reason to admit additional evidence before an appellate court under O.XLI R.27 CPC.?

(A) Lower court has refused to admit evidence which ought to have been admitted.

(B) Party establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge.

(C) The appellate court requires any document to be produced.

(D) The party swears to an affidavit that he did not understand that the document was relevant.

49. A notice under S.80 CPC was issued by one person. Before expiry of the term of notice, he died. After the time prescribed, his son instituted a suit against the Government. Government takes up a contention that the suit is not maintainable since the plaintiff has not issued a notice. Decide.

(A) Notice sent by the father under S.80 CPC will enure to the benefit of the son.

(B) Notice sent by the father will not enure to the benefit of the son.

- (C) Son should have issued a notice to the Government stating that he adopts the contentions of his father.
- (D) He should have intimated the Government about the death of his father before expiry of the term fixed in S.80 CPC.

50. Comment on the following statement : "In order to apply O.II R.2 CPC, the cause of action in the subsequent suit must be the same as in the first suit. Similarity of the ingredients for claiming reliefs is also relevant".

- (A) Completely true
- (B) Completely false
- (C) First part is true
- (D) Second part is true

51. Revisional power exercised by a Sessions Judge under S.397 Cr.PC is generally for

- (A) keeping the subordinate courts within the bounds of their authority
- (B) re-appreciating the whole evidence
- (C) re-examining the whole legal and factual issues
- (D) All the above

52. "Giving thumb impressions or impressions of foot or palm or fingers or specimen writings or showing parts of body by way of identification are not included in the expression "to be a witness" under Article 20(3) of the Constitution of India". The above statement is

- (A) completely false
- (B) completely true
- (C) true in the case of giving thumb impressions or impressions of

- foot or palm or fingers
- (D) true in the case of giving specimen writings
53. Among the following persons, who shall not be charged and tried together.
- (A) Persons accused of the same offence committed in the course of the same transactions.
- (B) Persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence.
- (C) Persons accused of different offences committed in the course of the same transaction.
- (D) Persons accused of the same offence committed within a period of 12 months.
54. Identify the expression which is not specifically defined in the Indian Evidence Act, 1872.
- (A) Document
- (B) Relevant
- (C) Confession
- (D) Admission
55. For the attempt of which offence no express provision is made in the IPC for punishment?
- (A) Theft
- (B) Robbery
- (C) Murder
- (D) Culpable homicide

56. Find the correct option: When an arrested accused is produced before a Magistrate, he may, under S.167 Cr.PC, remand the accused

- (A) to police custody for 15 days from the date of arrest.
- (B) to police custody for 15 days from the date of production before him.
- (C) to judicial custody for sixty days from the date of arrest.
- (D) to judicial custody for sixty days from the date of production before him.

57. A person reached in a police station possessed with a knife. He told the Station House Officer that he stabbed his wife to death. Recording his statement, the Station House Officer registered a crime for murder. That statement --

- (A) is a confession admissible in evidence since it was recorded before registration of the crime.
- (B) is a confession admissible in evidence since the statement is followed by production before police the weapon of offence.
- (C) is a confession, but not admissible in evidence since it is made to a police officer.
- (D) is an admission admissible in evidence, but not a confession.

58. Find out the missing word: The Court may presume that a man who is in possession of stolen goods the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

- (A) immediately after
- (B) soon after

- (C) within one day
- (D) shortly after

59. Material evidence collected through an illegal search is

- (A) reliable as any other evidence
- (B) not admissible
- (C) admissible, but wholly unreliable
- (D) admissible, but its probative value depends on the facts and circumstances in each case

60. When does trial begin in a sessions case?

- (A) When the first witness is examined.
- (B) When the court takes cognizance of the offence.
- (C) When the court decides not to discharge the accused.
- (D) When the plea of the accused is recorded.

61. Which of the following is a primary evidence?

- (A) A photograph of an original document.
- (B) The counter part of a document as against the parties who did not execute.
- (C) The counter part of a document as against the parties who had executed it.
- (D) All the above.

62. A filed two separate suits against B and C alleging that they tried to trespass upon his property. Both B and C contended that there exists a public right on A's property. The suit against B was dismissed. In the other suit, the existence of such a decree is

- (A) relevant
 - (B) irrelevant
 - (C) conclusive proof
 - (D) operates as res judicata
63. What is the period of limitation for filing an appeal by a victim under the proviso to S.372 Cr.PC?
- (A) 60 days
 - (B) 30 days
 - (C) 90 days
 - (D) No period is prescribed, but within a reasonable time
64. A without any excuse fires a loaded gun into a crowd of persons and thereby kills one of them. He had no premeditated design to kill any particular individual. Has he committed any offence?
- (A) Culpable homicide not amounting to murder
 - (B) Murder
 - (C) Causing death by negligence
 - (D) No offence
65. A person legally entitled to a property gains it by unlawful means :
- (A) it is a wrongful gain
 - (B) it is not a wrongful gain
 - (C) it is a mischief
 - (D) it is a theft
66. Under the IPC a person is said to do a thing fraudulently, if he

does that thing

- (A) illegally
- (B) unlawfully
- (C) with an intention to defraud
- (D) with an intention to cause unlawful loss

67. A person by any deceitful means induces another to go from any place is said to

- (A) abduct that person
- (B) kidnap that person
- (C) entice that person
- (D) procure that person

68. Report submitted by a police officer after investigation shall be deemed to be a complaint, if

- (A) it discloses a cognizable offence
- (B) it discloses a non-cognizable offence
- (C) it discloses a grave offence
- (D) it discloses a cognizable case

69. Power under S.319 Cr.PC can be exercised by a court

- (A) in the course of any enquiry into, or trial of, an offence
- (B) in the course of enquiry only
- (C) at any stage of investigation, enquiry or trial.
- (D) in the course of trial only

70. When an offence is committed by an Indian citizen outside India,

previous sanction of the Central Government is required

- (A) for enquiry
- (B) for conducting the investigation
- (C) for enquiry and trial in India
- (D) for conviction and sentence

71. If, after taking evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the Judge considers that there isthat the accused committed the offence, the Judge shall record an order of acquittal.

- (A) no evidence
- (B) insufficient evidence
- (C) unreliable evidence
- (D) no prima facie evidence

72. A case is committed to a Court of Sessions alleging an offence punishable under S.304 IPC. After considering the entire materials and hearing, the Judge is of opinion that there is no ground for presuming that the accused has committed the offence, but there are indications of an offence under S.304A IPC. What shall the Sessions Judge do?

- (A) Frame a charge under S.304 IPC and proceed with the trial and later he can convict or acquit the accused for an offence under S.304A IPC depending on the quality of evidence.
- (B) He can try the accused for an offence under S.304A IPC and pass a judgment.
- (C) Since S.304A IPC is not an offence exclusively triable by a Court of Sessions, he may frame charge against the accused and transfer the case for trial to the Magistrate having jurisdiction.

(D) The Sessions Judge may discharge the accused.

73. Which of the following is a false statement?

(A) Delay in lodging FIR will affect strength of the prosecution case under all circumstances.

(B) Second complaint on the same facts after dismissal of the first one can be maintained only in exceptional circumstances.

(C) A Magistrate can take cognizance on a negative report filed by the investigating officer, if he finds on application of mind that an offence has been revealed.

(D) A statement under S.313 Cr.PC is no evidence.

74. Proceedings under S.125 Cr.PC are in the nature of proceedings.

(A) criminal

(B) civil

(C) quasi criminal

(D) quasi civil

75. An accused can be given in police custody during the remand.....

(A) for first fifteen days

(B) for first thirty days

(C) at any time until he is released on bail

(D) even after his release on bail

76. A and B together filed a complaint against C alleging certain offences. The Magistrate found that the complaint is not maintainable

since it is filed by two persons jointly and dismissed it. A revision is filed before the Sessions Judge. How will you decide?

- (A) The Magistrate is wrong as it is maintainable.
- (B) The Magistrate is right since a joint complaint is not maintainable.
- (C) The Magistrate should have seen that a joint complaint will become maintainable, if both the complainants were examined on oath.
- (D) The Magistrate is wrong in dismissing the complaint, as he should have treated it as one filed by a single complainant.

77. A Magistrate took cognizance of an offence in violation of S.197 Cr.PC and proceeded with the trial. The trial is

- (A) void ab initio
- (B) voidable at the instance of the accused
- (C) valid in all respects
- (D) If it is not challenged before trial, the accused cannot challenge the judgment before higher courts

78. A case wherein the offence alleged is punishable under S.304A IPC was mistakenly committed to the Sessions Court. On a perusal of the committal order, the Sessions Judge finds that it was a mistake. What is the course open to the Sessions Judge?

- (A) He can discharge the accused
- (B) He can ignore the committal and direct the Magistrate to try the case.
- (C) He can take a revision and correct the wrong committal.
- (D) He shall report the matter to the High Court so that the High Court

can exercise its revisional power to rectify the mistake.

79. An appeal was filed by the complainant against acquittal of the accused. But it was filed with a delay of five days. Accused was not served with a notice in the delay condonation petition. However, the court condoned delay, finding that sufficient cause has been shown for condonation of delay. The accused after entering appearance raised an objection against the delay condonation. Can he do so?

- (A) No. He has no right to object since the delay has already been condoned.
- (B) No. His remedy is only to challenge the delay condonation along with the final judgment.
- (C) Yes. The accused has a right to object even after condonation of delay.
- (D) Since the period of delay is short, no prejudice could have been caused to the accused. Hence he has no right to challenge.

80. An information is received by a Station House Officer (SHO) regarding commission of a crime. The information *ex facie* did not reveal a cognizable offence. What shall the SHO do?

- (A) He should register FIR and conduct investigation.
- (B) He shall conduct a preliminary enquiry to ascertain whether a cognizable offence is disclosed or not. If a cognizable offence is revealed, he shall register FIR.
- (C) He shall direct the informant to file a complaint before the Magistrate.
- (D) None of the above

81. In *Lalita Kumari v. Government of Andhra Pradesh* (2013 (4) KLT

632 (SC)) a list of category of cases in which a preliminary enquiry may be made has been shown. Which one of the following is not in the list?

- (A) Matrimonial disputes/family disputes
- (B) Commercial disputes
- (C) Medical negligence cases
- (D) Cases with allegation of cheating

82. What is the parameter for granting an order of suspension of conviction in an appeal filed before the Sessions Judge?

- (A) The appellant should make out a prima facie case.
- (B) The appellant should establish that he would suffer injury on account of conviction.
- (C) The appellant should establish that if conviction is not suspended pending the hearing, he will suffer injustice and irreversible consequences.
- (D) He need only establish balance of convenience.

83. A Sessions Judge found, on repeated posting dates, that the appellant's counsel in a criminal appeal was absent and was not prepared to argue the case. Hence he dismissed the appeal for default. Comment.

- (A) Yes. His action was correct because he has given various opportunities to the appellant to argue the case.
- (B) Yes. He could have dismissed it on the first day of default itself.
- (C) No. Dismissal of a criminal appeal for default is illegal.
- (D) Legality and illegality depends on the facts involved in each appeal.

84. Evidence of a witness was recorded in the absence of the accused or his pleader. But the accused did not object to reception of the evidence at a later point. Can such evidence be appreciated for entering a conviction?

- (A) Yes. There is no bar in considering it.
- (B) No. It cannot be considered, even if the accused has consented to it.
- (C) If the accused expressly consented in writing, there is nothing wrong.
- (D) It depends on the facts in each case.

85. A written statement was obtained by an investigating officer from a person to circumvent the bar under S.162 Cr.PC. Can the statement be used in an enquiry or trial?

- (A) No. Bar under S.162 Cr.PC is attracted even if a written statement is obtained from a person instead of the investigating officer recording the statement under S.161 Cr.PC.
- (B) Yes. Since it is a written statement, there is no bar under S.162 Cr.PC.
- (C) If the statement is written up in the handwriting of the person concerned, there is no bar under S.162 Cr.PC.
- (D) None of the above.

86. District Magistrate has the authority to direct the public prosecutor to present an appeal to the Court of Sessions from an order of acquittal passed by a Magistrate in respect of

- (A) a cognizable or bailable offence
- (B) cognizable or non-bailable offence

- (C) cognizable and bailable offence
- (D) cognizable and non-bailable offence

87. How could A, the husband of B, during the subsistence of their valid marriage establish that the putative son C was not born to him?

- (A) By proving that A had no sexual intercourse with B at any time when C could have been begotten.
- (B) By proving that B had access to a paramour at any time when C could have been begotten.
- (C) By proving that C was born on 280th day of their marriage.
- (D) By proving that A and B had no access to each other at any time when C could have been begotten.

88. An accused was remanded to judicial custody at 6.00 p.m. on 01.01.2018. The remand was extended from time to time. How will you calculate the period of 60 days mentioned in the proviso to Sub-s.(2) of S.167 Cr.PC with reference to the Criminal Rules of Practice, Kerala?

- (A) The day on which the remand was made shall be excluded, but the day on which the accused is ordered to be produced shall be included.
- (B) The day on which the remand was made and the day on which the accused is ordered to be produced shall be included.
- (C) The day on which the remand was made shall be included, but the day on which the accused is ordered to be produced shall be excluded.
- (D) The day on which the remand was made and the day on which the accused is ordered to be produced shall be excluded.

89. Whenever the Indian Evidence Act, 1872 directs that the court

shall presume a fact

- (A) the court shall, on the proof of one fact, regard the other as proved.
- (B) the court shall regard such fact as proved and no evidence shall be allowed to be given to disprove it.
- (C) the court may either regard such fact as proved or may call for proof of it.
- (D) the court shall regard such fact as proved unless and until it is disproved.

90. What is the purpose of holding a test identification parade during the investigation of a case?

- (A) To gather substantive evidence.
- (B) To gather direct evidence.
- (C) To gather a corroborative piece of evidence to find out if the investigation is in the right direction.
- (D) None of the above.

91. An appeal was preferred by the State through the public prosecutor under S.378(1) Cr.PC and the Sessions Judge reversed the acquittal and convicted the accused after hearing. Appellate court remanded the case to the Magistrate for imposing a sentence. Is there any impropriety in the action of the Sessions Judge?

- (A) No. Appellate court has power to direct the trial court to impose a sentence.
- (B) The action of the Sessions Judge was illegal. He himself should have imposed the sentence.
- (C) He could have either imposed a sentence by himself or directed

the Magistrate to impose the sentence.

- (D) The Sessions Judge has no power to impose a sentence and therefore he was right.

92. Can one presumption be the basis of another presumption on which a court can rely?

- (A) Yes. If the first presumption is in the category of "court shall presume".
- (B) Yes. If the court finds that both the presumptions are reasonable and probable.
- (C) No. One presumption cannot be the basis for another presumption.
- (D) It depends on the facts in each case.

93. According to the Indian Penal Code, what is a thing said to be done in good faith.

- (A) It is done without malice
- (B) It is done carefully
- (C) It is done with an honest intention
- (D) It is done with due care and attention

94. Which of the following is not a punishment prescribed under the Indian Penal Code?

- (A) Imprisonment for life
- (B) Simple imprisonment
- (C) Forfeiture of property
- (D) Censure

95. A was working with a hatchet. Its head flew off and killed a man standing nearby. There was no want of proper caution on the part of A. Did A commit any offence?
- (A) Yes. He is liable for murder.
 - (B) Yes. He is liable for culpable homicide not amounting to murder
 - (C) Yes. He is liable for causing death by negligence.
 - (D) No. His act is excusable and not an offence.
96. When is used by an unlawful assembly, every member of such assembly is guilty of the offence of rioting.
- (A) force or violence
 - (B) threat or intimidation
 - (C) assault or coercion
 - (D) intimidation or criminal force
97. A finds an envelop on the road containing a signed cheque. He could identify who the payee is. He encashes the cheque and appropriates the proceeds. Has he committed any offence?
- (A) He has committed no offence
 - (B) Yes. He is guilty of theft
 - (C) He is guilty of dishonest misappropriation of property
 - (D) Yes. He is guilty of criminal breach of trust
98. Which one of the following is not an ingredient of grievous hurt defined in Section 320 IPC?
- (A) Permanent privation of sight of either eye.
 - (B) Permanent privation of hearing of either ear.

- (C) Privation of any member or joint
- (D) Hurt which causes the sufferer to be during the space of ten days in severe bodily pain or unable to follow his ordinary pursuits

99. What is the cardinal point of distinction between a police officer and a non-police officer?

- (A) There is no distinction between them.
- (B) Police officer alone has the authority to file a final report under S.173(2) Cr.PC. after investigation
- (C) A non-police officer alone can file a complaint after investigation.
- (D) None of the above.

100. Can it be said that an examination-in-chief untested by cross-examination is evidence in the context of S.319 Cr.PC?

- (A) No. Evidence in S.319 Cr.PC takes in examination-in-chief tested by cross-examination.
- (B) Evidence in the context of S.319 Cr.PC takes in examination-in-chief, cross-examination and re-examination.
- (C) Examination-in-chief untested by cross-examination is evidence under S.319 Cr.PC.
- (D) None of the above.