

HIGH COURT OF KERALA
KERALA STATE HIGHER JUDICIAL SERVICE EXAMINATION-2019
(NCA VACANCIES)
(WRITTEN EXAMINATION)

PAPER - I

Date of Examination: 04.12.2020

Roll Number:

Maximum Marks: 150

Duration: 3 Hours (10 a.m. to 1 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. Candidates should not open their Question Booklets before 10 a.m.
3. **This Question Booklet has three parts:- Part-A, Part-B and Part-C.** In Part-A, there are 30 Objective Multiple Choice Type questions carrying 2 marks each. **These shall also include questions having multiple correct answers and in such questions all the correct answers are to be marked.** If the candidate darkens any of the wrong answer options or darkens only a part of the correct answer options, it will be treated as incorrect answer. All the questions are to be attempted. In Part-B, there are 12 descriptive type questions (to be answered in not exceeding 75 words) carrying 6 marks each. Of these 12 questions, 10 questions are to be attempted (the first 10 answers alone will be evaluated if more than 10 questions are answered). The only one question in Part-C (Judgement Writing) carrying 30 marks is compulsory.
4. After opening the Question Booklet at 10 a.m., ensure that it has three parts-Part-A, Part-B and Part-C, that there are 30 Objective Multiple Choice Type questions in Part-A, 12 descriptive type questions in Part-B and one question in Part-C. 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.
5. Answers to the questions in Part-A of the Question Booklet should be marked in the OMR Answer Sheet bearing Serial (A) which will be evaluated using OMR software.
6. Answers to the questions in Part-B of the Question Booklet should be written in the Answer Book bearing Serial (B). It should be tied separately using the piece of twine provided.
7. Answer to the question in Part-C of the Question Booklet should be written in the Answer Book bearing Serial (C). It should be tied separately using the piece of twine provided.
8. The candidate may choose the Part to be answered first. But, the answers to the questions in each Part of the Question Booklet should be written only in the OMR Answer Sheet/Answer Book meant for the respective Part. If the candidates write answers to the questions in a particular Part of the Question Booklet in the Answer Book meant for a different Part, those answers will not be evaluated.
9. The candidates should use only BLACK/BLUE INK ballpoint pen for filling the various entries and marking answers in the Serial (A) OMR Answer Sheet. But, the candidates may use BLACK/BLUE INK fountain pen/Ballpoint pen for filling the various entries and writing answers in the Serial (B) and Serial (C) Answer Books. Use of pencil, Gel pen or sketch pen and use of any colour ink other than black/blue is not permitted.
10. No candidate will be allowed to leave the examination hall without handing over the OMR Answer Sheet bearing Serial (A) and the separately tied answer books bearing Serial (B) and Serial (C) to the Invigilator. Candidates can take the Question Booklet with them.
11. Answer Key to the questions in Part-A of the Question Booklet will be published in the website www.hckrecruitment.nic.in after the examination.
12. 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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PART - A

[In this Part there are 30 Objective Multiple Choice Type questions carrying 2 marks each. These shall also include questions having multiple correct answers and in such questions all the correct answers are to be marked. If the candidate darkens any of the wrong answer options or darkens only a part of the correct answer options, it will be treated as incorrect answer. All the questions are to be attempted. There will not be any deduction for incorrect answers. Answers to the questions in this Part should be marked in the OMR Answer Sheet bearing Serial (A). Answers marked elsewhere will not be valued.]

1. Who among the following, is not entitled to apply for Guardianship of a minor under the Guardian and Wards Act?
 - A) Any person desirous of being the guardian of the minor
 - B) Any relative of the minor
 - C) Any District Collector
 - D) Any friend of the minor.

2. From which among the following orders of the District Court, an appeal will not lie to the appellate court under the Arbitration and Conciliation Act?
 - A) Granting the request to refer parties to arbitration under S.8
 - B) Granting any measure under S.9
 - C) Setting aside an arbitral award under S.34
 - D) Refusing to grant any measure under S.9

3. Which among the following suits does not fall within the jurisdiction of a Family Court under S.7 of the Family Courts Act ?
 - A) A suit for maintenance
 - B) A suit for declaration of illegitimacy of a person

- C) A suit for declaration of validity of a marriage
 - D) A suit between parties to a marriage with respect to property of the husband.
4. Which among the following is the Act of 2013 relating to Land Acquisition?
- A) The Right to Fair Compensation and Transparency in land acquisition, Rehabilitation and Settlement Act, 2013
 - B) The Right to Just Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013
 - C) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
 - D) The Right to Fair Compensation and Transparency in Land Acquisition Resettlement and Rehabilitation Act, 2013
5. In relation to invasion into the enjoyment of property, which among the following is not a ground for granting perpetual injunction under the Specific Relief Act.?
- A) Where defendant is the Trustee of the property
 - B) Where it is necessary to prevent multiplicity of proceedings
 - C) Where compensation in terms of money would afford adequate relief
 - D) Where there is no standard for ascertaining actual damage caused.
6. A discontinuous easement is ----
- A) An easement enjoyed intermittently

- B) An easement enjoyed continuously
 - C) An easement which does not require act of man for its enjoyment
 - D) An easement which requires act of man for its enjoyment
7. 'A' has a right of way over B's road. 'B' dedicates the road to the public. A's right of way is ----
- A) Extinguished
 - B) Suspended
 - C) Not Extinguished
 - D) Merges with the interest of public
8. A has an easement of support from B's wall. The wall falls down. Which among the following right does A retain?
- A) A may enter upon B's land and repair the wall
 - B) A may request B to construct the wall
 - C) A may construct the wall from his side
 - D) The right of A is extinguished
9. Who among the following is not a Hindu under the Hindu Marriage Act ?
- A) An illegitimate child whose parents are Hindus
 - B) A legitimate child whose father is a Hindu and mother is a Christian and who is brought up as a member of mother's family.
 - C) A legitimate child whose parents are Hindus
 - D) A person who is a convert to Hindu.

10. A divorced Muslim woman files an application for reliefs under Muslim Women (Protection of Rights on Divorce) Act 1986 before a local Magistrate. Can the parties opt to be governed by S.125 to S 128 of Cr.P.C. If so how?
- A) By filing an application jointly or separately on the first day of hearing
 - B) On filing individual applications at any time, before trial
 - C) Cannot opt.
 - D) On filing joint application at any time before trial
11. What is the limitation period available to the landlord to recover possession of tenanted premises from tenant, after he has terminated the tenancy ?
- A) 12 years
 - B) 1 year
 - C) 3 years
 - D) 30 years
12. Under S.25 of the Limitation Act, the computation of time on instruments is with reference to
- A) Saka year
 - B) Malayalam era
 - C) Hijara year
 - D) Gregorian calendar
13. On which among the following grounds can an arbitral award be set aside under the Arbitration and Conciliation Act?
- A) If it is established that one party was under some incapacity
 - B) If it is established that there was an erroneous application of law

- C) If it is established that there is a mistake in appreciation of evidence
 - D) If it is established that consent given by the aggrieved person on a question of fact was based on a misconception.
14. What is the status and effect of a settlement agreement arrived through the process of conciliation ?
- A) Same status and effect as that of a mediation agreement
 - B) Same status and effect as that of an award of Lok Adalath
 - C) Same status and effect as the decree of a Court
 - D) Same status and effect of an arbitral award.
15. Which among the following is a ground for dissolution of marriage under Dissolution of Muslim Marriages Act, 1939 ?
- A) Whereabouts of the husband is not known for a period of three years
 - B) Husband has failed to maintain for a period of one year
 - C) Husband has been sentenced to imprisonment for a period of seven years and it has become final
 - D) Husband has been insane for a period of one year before marriage.
16. When one among the joint decree holders files an application for execution without written authorization from other joint decree holders, what should the Court do under the Civil Rules of Practice?
- A) Dismiss the execution petition

- B) Reject the execution petition
 - C) Issue notice to other decree holders
 - D) Require the applicant to bring on record other decree holders also.
17. Any order under S.47 CPC can be reversed or modified only if -----
- A) There is any error
 - B) There is any defect
 - C) There is any irregularity in proceeding
 - D) If any of the above has prejudicially affected the decision of the case.
18. Puisne mortgage is -----
- A) Multiple mortgages by mortgagee
 - B) 2nd mortgage of the same mortgaged property by the mortgagor
 - C) 2nd mortgage of the same mortgaged property by the mortgagee
 - D) Mortgage of multiple properties by the mortgagor
19. The concept of *anti suit* injunction relates to?
- A) A judicial order passed to avoid multiplicity of proceedings restraining a party to suit from prosecuting a case in another court
 - B) An order restraining a party from instituting any suit against the plaintiff in any Court
 - C) An order restraining a party from instituting any suit in a Court subordinate to it

- D) An order restraining a Court from entertaining any suit filed by a specified person
20. Which among the following is the most crucial difference between lease and licence?
- A) In lease, rent is payable, whereas in licence, licence fee is payable
- B) Lease is transferable and heritable, whereas licence is neither transferable nor heritable
- C) Lease does not end with death of lessee. However, licence expires on the death of licensee
- D) A lease is a transfer of an interest in a specified immovable property while licence is a bare permission without transfer of any interest.
21. Which among the following is not true in relation to Vested Rights?
- A) Vested rights are not subject to any condition and if at all there is a condition, it is a specified certain event
- B) Vested rights are heritable and alienable
- C) Vested rights are revokable after transfer
- D) Vested rights are not defeated by the death of transferee before acquiring it.
22. Among the following, in which case a person detained in civil prison in execution of a decree, cannot be prematurely released ?
- A) On the decree passed against such person is fully satisfied
- B) On the request of the family members of the judgment debtor

- C) On the deposit of the amount mentioned in the warrant with the officer in charge of civil prison
 - D) On failure of decree holder to remit subsistence allowance.
23. A Motor Accidents Claims Tribunal can order compensatory costs in which among the following circumstances?
- A) A party has put forward a false or vexatious claim
 - B) A party whose lawyer misconducted in Court
 - C) A party who failed to file objection inspite of repeated direction
 - D) A party who failed to take steps inspite of specific direction of Court.
24. Summons ordered from a Court is returned with an endorsement of the serving officer that the defendant refused to accept the summons. The Court is bound to examine the serving officer under Order 5 Rule 19 CPC, if -----
- A) The Court has doubt regarding the endorsement
 - B) The serving officer has not verified it by an affidavit
 - C) The Court is satisfied in the interest of justice
 - D) The Court is informed that the address of defendant is wrong.
25. A testator executes a Will bequeathing both immovable and movable properties in favour of his legal heirs. After his death, it was found that few of the movable properties had been disposed of during his life time. That act is said to be an instance of
- A) Partial revocation
 - B) Ademption

- C) Partial redemption D) Implied revocation

26. 'A' 'B' and 'C' are sureties to 'D' for a sum of Rs.12,000/- paid as loan to 'E'. 'E' commits default. To what extent each of the co-sureties is liable to contribute to 'E', under the Contract Act ?

- A) Equal share
B) On the basis of money, if any received by each of surety from D
C) On the basis of financial capacity of each
D) On the basis of money demanded by D

27. 'A', for natural love and affection, promises to give his son 'B', a sum of Rs.1 lakh. 'A' reduced that into writing and registered it. Is it a valid enforceable contract. Which is the relevant section?

- A) Valid contract. S.25 Contract Act
B) Voidable Contract. S.24 Contract Act
C) Void Contract. S.26 Contract Act
D) Illegal Contract. S.27 Contract Act

28. Consequences for breach of contract are dealt with, in which of the following provisions of Contract Act?

- A) S.71 to 76 B) S.70 to 78
C) S.73 to 75 D) S.73 to 76

29. Which among the following orders is not an appealable order under OXLIII Rule 1 CPC?

- A) An order under Order XI Rule 21
 - B) An order under Order XXI Rule 92
 - C) An order rejecting application under Order XXI Rule 58
 - D) An order rejecting an application under Order IX Rule 9.
30. Substituted performance of contract under Section 20 of Specific Relief Act should be preceded by?
- A) 30 days notice requesting the other side to perform
 - B) 60 days notice requesting the other side to perform
 - C) Performance of the defaulted part by the aggrieved person.
 - D) A notice renouncing the contract

PART - B

[In this Part, there are 12 descriptive type questions(to be answered in not exceeding 75 words) carrying 6 marks each. Of these 12 questions, 10 questions are to be attempted (the first 10 answers alone will be evaluated if more than 10 questions are answered). Answers to the questions in this Part should be written in the Answer Book bearing Serial (B). Answers written elsewhere will not be valued.]

31. A special statute provides for an appeal to the High Court to be filed within 60 days from the date of order. It further provides that, if there is a delay of not more than 60 days thereafter, High Court can condone, for sufficient reasons. Appellant files appeal after 120 days from the date of order with an application to condone the further delay invoking S.5 of Limitation Act. Can the High Court condone it? Substantiate with reasons?

32. Discuss the powers of Court in adjudication and granting of relief in a suit alleging breach of an express trust created for public purpose of a religious nature.
33. Is S.5 of Limitation Act applicable to Rent Control Court. Is it applicable to Rent Control Appellate Authority? Discuss.
34. What are the matters to be considered by the Court while appointing a guardian under the Guardian and Wards Act ?
35. Distinguish the salient features of Lok Adalath, Arbitration, Conciliation, Judicial settlement and mediation provided under S.89 of CPC. How are the settlements arrived at in each of the above proceedings executed or enforced?.
36. Explain the expression "passing off". How does it differ from "infringement"?
37. Examine the scope of amendments introduced in Chapter II of Specific Relief Act relating to Specific Performance of Contracts, by Act 18 of 2018. Are the amendments retrospective? Explain with reasons.
38. Write short notes on: (3 marks each)
- a) Payment of Compensation in case of death or grievous hurt under S.164 of MV Act 1988
 - b) Grounds for Divorce under the Hindu Marriage Act
39. Write short notes on (3 marks each)

- a) Co-ownership and Joint tenancy
 - b) Doctrine of election under the Transfer of Property Act
40. An owner of an item of property executed a settlement deed, by which property was settled in favour of his married son. Son was entitled to enjoy the property and if he predeceases his wife, it would go to the wife. Thereafter, it will go to their child, on the child attaining 18 years. His wife was pregnant at the time of execution of document. Is the transfer in favour of the child valid? Explain with reasons.
41. Analyze the parameters to be considered by the Collector in determination of compensation for land acquired under Act 30 of 2013. Refer to the procedure of executing a land acquisition award.
42. A, the owner of two fields, sells one to B and retains the other. The field retained was, at the date of sale, used for agricultural purposes only and is inaccessible except by passing over the field sold to B. Is A entitled to any right over B's field to the field retained. What, if any, is the right? If so, what are its limit and incidents?

PART - C

[This question to be answered compulsorily and it carries 30 marks. The Answer should be written in the Answer Book bearing Serial (C). Answer written elsewhere will not be valued.]

43. Write a judgment on the following facts and evidence placed before the Munsiff's Court, Kottayam by plaintiff Jayan Menon against Rajani.

Plaint

Plaintiff is a reputed person belonging to an aristocratic family. He is a graduate Engineer. Rajani was a clerk employed in the office where plaintiff was working. Several advances made by defendant towards plaintiff were discouraged by him, except that they used to exchange messages through whatsapp, on important occasions. In January 2018, the father of the defendant who was a police officer and few others came to the house of plaintiff and compelled the plaintiff to marry the defendant. Though he refused, he was threatened, coerced and forced to sign certain documents. By blackmailing the plaintiff, a show of a marriage was performed under the Special Marriage Act. No essential ceremonies of the Hindu Marriage Act was performed. The marriage was not consummated. Both continued to live in the respective houses. Hence the plaintiff sought for a declaration that the defendant was not the legally wedded wife of the plaintiff and that, she has no right to claim as the wife and to declare the marriage as not legally valid and tenable in law. A consequent injunction to restrain the defendant from claiming the plaintiff as her husband and disturb the peaceful life of plaintiff was also sought.

Written statement

All the averments contained in the plaint are false. Defendant is the legally wedded wife. They were in love and they have voluntarily entered into matrimonial relationship. Notice for marriage was voluntarily given and after the notice period, marriage was performed in the presence of near relatives and witnesses. The essential requirements of a valid Hindu Marriage were also performed. It is false to state that the father of the defendant threatened, coerced and exerted pressure on the plaintiff and blackmailed him for the

marriage. Both lived at separate houses for some time, due to family arrangement. The suit is not maintainable in a civil court and proceedings have to be initiated under the Hindu Marriage Act. Both the prayers cannot be granted by the Civil Court.

Evidence

PW1-Plaintiff

I know the defendant since October 2017. She was working in the office as a clerk, when I joined it in October 2017. We became friends and used to exchange messages during festival days. She tried to develop intimacy, I did not encourage it. In the first week of January 2018, her father along with few persons came to my house for a visit. In the course of discussion, he offered to give his daughter in marriage to me. When I pointed out that she was my subordinate and that I had considered her only as his friend, he shouted at me and threatened that, he will not permit me to spoil the future of his daughter. He alleged that, he knew that we were in love and that, he had seen the messages sent by me and also heard my voice messages. Though I tried to explain, he and his friends threatened me to complain to police, get me involved in several criminal cases and spoil my career. He got me sign few blank and printed papers. Thereafter they left. After few weeks, he took me to Registration office where defendant was present and under coercion made to undergo a form of marriage. Since I was frightened, I could not resist. Since I was staying in a small apartment, father suggested that I should take a house on rent and till that time we will live separately. We did not disclose it to anybody. Since I did not take a building on rent, she went on declaring to others about our marriage and started posing as my wife. I took advice from my friends and filed the suit.

HIGH COURT OF KERALA
KERALA STATE HIGHER JUDICIAL SERVICE EXAMINATION-2019
(NCA VACANCIES)
(WRITTEN EXAMINATION)

PAPER - II

Date of Examination: 05.12.2020

Roll Number:

Maximum Marks: 150

Duration: 3 Hours (10 a.m. to 1 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. Candidates should not open their Question Booklets before 10 a.m.
3. **This Question Booklet has three parts:- Part-X, Part-Y and Part-Z.** In **Part-X**, there are 30 Objective Multiple Choice Type questions carrying 2 marks each. **These shall also include questions having multiple correct answers and in such questions all the correct answers are to be marked.** If the candidate darkens any of the wrong answer options or darkens only a part of the correct answer options, it will be treated as incorrect answer. All the questions are to be attempted. In **Part-Y**, there are 12 descriptive type questions (to be answered in not exceeding 75 words) carrying 6 marks each. Of these 12 questions, 10 questions are to be attempted (the first 10 answers alone will be evaluated if more than 10 questions are answered). The only one question in **Part-Z** (Judgement Writing) carrying 30 marks is compulsory.
4. After opening the Question Booklet at 10 a.m., ensure that it has three parts-**Part-X, Part-Y and Part-Z**, that there are 30 Objective Multiple Choice Type questions in Part-X, 12 descriptive type questions in Part-Y and one question in Part-Z. 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.
5. Answers to the questions in **Part-X** of the Question Booklet should be marked in the OMR Answer Sheet bearing Serial (**X**) which will be evaluated using OMR software.
6. Answers to the questions in **Part-Y** of the Question Booklet should be written in the Answer Book bearing Serial (**Y**). It should be tied separately using the piece of twine provided.
7. Answer to the question in **Part-Z** of the Question Booklet should be written in the Answer Book bearing Serial (**Z**). It should be tied separately using the piece of twine provided.
8. The candidate may choose the Part to be answered first. But, the answers to the questions in each Part of the Question Booklet should be written only in the OMR Answer Sheet/Answer Book meant for the respective Part. If the candidates write answers to the questions in a particular Part of the Question Booklet in the Answer Book meant for a different Part, those answers will not be evaluated.
9. The candidates should use only BLACK/BLUE INK ballpoint pen for filling the various entries and marking answers in the Serial (**X**) OMR Answer Sheet. But, the candidates may use BLACK/BLUE INK fountain pen/Ballpoint pen for filling the various entries and writing answers in the Serial (**Y**) and Serial (**Z**) Answer Books. Use of pencil, Gel pen or sketch pen and use of any colour ink other than black/blue is not permitted.
10. No candidate will be allowed to leave the examination hall without handing over the OMR Answer Sheet bearing Serial (**X**) and the separately tied answer books bearing Serial (**Y**) and Serial (**Z**) to the Invigilator. Candidates can take the Question Booklet with them.
11. Answer Key to the questions in **Part-X** of the Question Booklet will be published in the website www.hckrecruitment.nic.in after the examination.
12. 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.

PART – X

[In this Part there are 30 Objective Multiple Choice Type questions carrying 2 marks each. These shall also include questions having multiple correct answers and in such questions all the correct answers are to be marked. If the candidate darkens any of the wrong answer options or darkens only a part of the correct answer options, it will be treated as incorrect answer. All the questions are to be attempted. There will not be any deduction for incorrect answers. Answers to the questions in this Part should be marked in the OMR Answer Sheet bearing Serial (X). Answers marked elsewhere will not be valued.]

1. Opinion on the relationship between two persons, expressed by conduct by a member of the family and who has special means of knowledge in that capacity is not a sufficient proof in which among the following proceeding?
 - A) In a proceeding for defamation.
 - B) To prove marriage in any proceeding under the Divorce Act.
 - C) In a proceeding under the Indian Succession Act.
 - D) In a proceeding for maintenance under Section 125 Cr.P.C.

2. What is the nature of custody order that can be passed by a Magistrate under S.21 of the Protection of Women from Domestic Violence Act, 2005 ?
 - A) Permanent custody
 - B) Conditional order.
 - C) Temporary custody
 - D) Custody for one month.

3. Which among the following is not a privileged communication ?
 - A) Official communication made to an officer in official confidence, if disclosure will affect public interest

copies of relevant documents including S.164 Cr.P.C. statement?

- A) Miss A. v. State of U.P.
- B) Asian Resurfacing of Road Agency v. State of Punjab
- C) Pratiba Rani v. Suraj Kumar
- D) Miss X. v. State of Karnataka

11. Interim compensation under S.143 A of Negotiable Instruments Act can be granted at which stage, among the following?

- A) When the accused appears
- B) At the time of trial
- C) In a summary trial or summons case when accused pleads not guilty.
- D) At any time, on an application by the complainant.

12. The recent decision in which the Supreme Court affirmed that though the requirement of certificate under S.65B(4) of the Evidence Act (As inserted by the IT Act 2000) is mandatory, if the original document itself is produced, the certificate is unnecessary?

- A) Arjan Pandit Rao v. Kailash Kishna Rao
- B) Mukesh Singh v. State
- C) Mohan Lal v. State of Punjab
- D) Maneka Gandhi v. Union of India.

13. The Principle of vicarious liability is embedded in which among the following offences?

- A) S.107 IPC
- B) S.153 IPC

C) S.120 B IPC

D) S. 34 IPC

14. What is the evidentiary value of retracted confession of an accused?
- A) Cannot form basis of conviction.
 - B) Cannot form basis for conviction, unless corroborated on material aspects.
 - C) Can form basis of conviction without corroboration, if found to be perfectly voluntary, true and trustworthy
 - D) Is weaker than direct evidence.
15. In which decision, the Constitution Bench of the Supreme Court held that, merely because the informant in an NDPS case is the police, the Act does not specifically bar, that officer being the investigation officer, and on that ground alone the accused is not entitled for an acquittal?
- A) Mohan Lal v. State of Punjab
 - B) Mukesh Singh v State
 - C) Manu Sharma v. State
 - D) Romila Thapar v Union of India.
16. Who among the following is not entitled to authenticate Vakkalath of a person in custody, under the Criminal Rules of Practice ?
- A) Station House officer
 - B) Jailor
 - C) An officer in charge of accused
 - D) Investigation officer

17. In a proceeding under S.138 of Negotiable Instruments Act, accused paid interim compensation as ordered by the court to the complainant. After trial, what will happen to the compensation paid , if the accused is acquitted?
- A) Court may order the complainant to repay the money paid.
 - B) Court shall direct the complainant to repay it with interest at Bank rate within 60 days.
 - C) Compensation paid will stand forfeited
 - D) Compensation will be returned only after appeal period is over.
18. In which of the following offences under the Protection of Children from Sexual Offences Act 2012 , sexual intent is a part of the definition?
- A) Aggravated sexual assault.
 - B) Sexual assault
 - C) Penetrative sexual assault.
 - D) Aggravated penetrative sexual assault.
19. Convicts are classified as habitual or casual, under which Rule of Criminal Rules of Practice ?
- A) Rule 166
 - B) Rule 168
 - C) Rule 161
 - D) Rule 153
20. Which among the following is not an instance of 'sexual harassment' under the POCSO Act?
- A) Makes a child exhibit its body.

- B) Shows any pornographic object to the child
 - C) Entices the child for phonographic purpose
 - D) Touch the private part of a child.
21. S.50 of the NDPS Act will apply when the search is conducted by

- A) An empowered officer
 - B) An authorized officer
 - C) Either empowered officer or authorized officer
 - D) None of the above.
22. Company as referred to in S.141 of Negotiable Instrument Act does not include
- A) A firm
 - B) Any body corporate
 - C) An association of individuals
 - D) Joint Hindu Family.
23. S.35 of NDPS Act deals with
- A) Presumption of culpable state of mind
 - B) Presumption about intention
 - C) Presumption about concealment of contraband
 - D) Presumption of conscious possession.
24. The legality of Narco – analysis test was considered by the Supreme Court in which among the following decisions ?
- A) Umesh Kumar v. State of Andhrapradesh
 - B) Safi Mohammed v. State of Rajasthan

- C) Selvi v . State of Karnataka
D) Shyam Lal v. State of Madhya Pradesh
25. In which among the following decisions, Constitution Bench of Supreme Court held that evidence collected in the course of an illegal search is not liable to be eschewed?
- A) A.K.Gopalan v. State of Madras
B) Mithu v. State of Punjab
C) Maneka Gandhi v. Union of India
D) Pooran Mal v. Director of Inspection, Income tax.
26. 'A' on seeing 'B' suddenly shakes his fist at 'B', knowing that 'B' will believe that 'A' is about to hit 'B'. What if any, is the offence committed ?
- A) Criminal force
B) Assault
C) Criminal intimidation
D) No crime committed
27. The underlying principle in S.27 of Indian Evidence Act is?
- A) Confirmation of Crime by recovery of weapon.
B) Confirmation of statement given to police by subsequent discovery of fact.
C) Confirmation of admission by recovery
D) Confirmation of statement given to police by subsequent recovery of weapon.

28. The presumption under S.112 of Evidence Act can be displaced by husband by establishing that -----
- A) Parties had no access during the relevant period.
 - B) The husband was out of station for a long period.
 - C) That the wife was out of station for a long period.
 - D) He was undergoing treatment during relevant period.
29. In which among the following cases, persons may not be charged jointly ?
- A) Persons accused of offence and those accused of abetment
 - B) Persons accused of offence and those accused of attempting to commit such offence
 - C) Persons accused of different offences committed in the course of same transaction
 - D) Persons accused of an offence in one case and those involved in the counter case
30. The term "mutually satisfactory disposition" in Cr.P.C. relates to
- A) Plea bargaining
 - B) Proceedings under S.125 Cr.P.C.
 - C) Pleading guilty
 - D) Trial of matrimonial offences

PART – Y

[In this Part, there are 12 descriptive type questions(to be answered in not exceeding 75 words) carrying 6 marks each. Of these 12 questions, 10 questions are to be attempted (the first 10 answers alone will be evaluated, if more than 10 questions are answered). Answers to the questions in this Part should be written in the Answer Book bearing Serial (Y). Answers written elsewhere will not be valued.]

31. “Though S.18 of the SC/ST(Prevention of Atrocities) Act creates a bar for invoking S.438 Cr.P.C., still it is open for the higher forum like High Court to see whether prima facie case is made out to sustain prosecution case” Examine the correctness of this statement with reference to decisions.
32. Write short notes on : (3 marks each)
- a) Voir dire
 - b) Presumption under Evidence Act relating to dowry death.
33. “The definition of shared house hold given in S.2(s) of the Protection of Women from Domestic Violence Act 2005, cannot be read to mean that shared household can only be that household which is the house hold of joint family of which husband is a member or in which the husband has a share-” Examine the above statement with reference to decisions.
34. Whether the officers vested with powers under S.53 of NDPS Act, are Police officers within the meaning of S.25 of Evidence Act, and whether statement made to such officers is admissible in evidence? Discuss

with reference to statute and judicial pronouncements.

35. Explain the evidentiary value of recovery effected under S.27 of the Indian Evidence Act?
36. Offences consisting of acts which form same transaction shall be tried at one trial and at any one of the place where such offences are committed by the accused. Elaborate, with special reference to S. 177 and S. 223 of Cr.P.C.
37. Write short notes on: (3 marks each)
- a) Explain the definition of Criminal Conspiracy under S.120A IPC
 - b) Sexual harassment under POCSO Act.
38. Briefly mention the amendments introduced to S.376 IPC by Amendment Act 22 of 2018.
39. Write short notes on: (3 marks each)
- a) Conditional order under S. 133 Cr.P.C.
 - b) Evidentiary value of statements given under S.164 Cr.P.C.
40. Explain the extent to which the right of private defence can be exercised to protect the body and property of a person ?
41. Discuss : (3 marks each)
- a) The purpose of examining the accused under S.313 Cr.P.C.
 - b) Common intention and common object

42. Analyse: (3 marks each)
- a) Conditions for withdrawal from prosecution under S.321 Cr.P.C.
 - b) Estoppel under S. 115 of Evidence Act.

PART – Z

[This question to be answered compulsorily and it carries 30 marks. The Answer should be written in the Answer Book bearing Serial (Z). Answer written elsewhere will not be valued.]

43. Write a judgment on the following facts and evidence placed before the Additional Sessions Court, Ernakulam, in S.C.No.27 of 2020 charged under section 376 IPC.

Prosecution Case

The complainant is a 20 year old girl studying in a college. She was attending tuition for mathematics under the accused, who was running an educational institution. In the course of the studies, they fell in love. Accused offered to marry her. Under the promise of marriage, they had gone to various tourist places and stayed together in hotels as husband and wife. By the end of the educational year, accused started keeping away from the defacto complainant under one pretext or the other. She insisted for marriage, as offered by the accused. He refused to marry, stopped the educational institution and left the place. She lodged a complaint and a crime was registered as Crime No.1 of 2020. After investigation, final report was laid against the accused alleging offence punishable under section 376 of IPC. Accused appeared before the trial court and pleaded not guilty. On the

side of the prosecution, PWs.1 to 27 were examined and Exts.P1 to P30 marked. The crucial witnesses were PWs.1 to 3 who were the defacto complainant, her mother and a close friend of PW1.

At the end of the trial, accused was called upon to enter on his defence. He did not adduce any defence evidence.

In the reply to S.313 Cr.P.C, accused contended that, he knew the defacto complainant. She used to attend his educational institution. Apart from the student-teacher relationship, they had no other close interaction nor had any physical relationship. They had never stayed at any place together. The allegation of promise to marry and rape raised by the defacto complainant was absolutely false and only intended to extract money from the accused. Though he had initially thought of making a proposal, on enquiry, it was revealed that, family of the defacto complainant was morally weak, they belonged to lower strata of the society and his parents opposed the alliance.

PW7 was the lady doctor attached to the Government Hospital who had examined the defacto complainant and had given a certificate evidencing that there were indications of past sexual relationship. PW8 was the doctor of the General Hospital, Ernakulam who had examined the accused and had certified that, there was nothing to indicate that the accused was incapable of performing physical relationship. PWs.10, 12 and 14 were employees of hotels, all of whom proved the records of their stay in respective hotels during the period November 2019 to January 2020.

Evidence of PW1

I am the defacto complainant in the above case. I was a student of the educational institution run by the accused, during the period 2019 to 2020. I was weak in mathematics and hence, I used to attend the class of the accused. During the course of my studies, accused made several advances towards me. He used to help me in my studies and used to give personal advice. We developed an intimate relationship. He offered to marry me immediately after the course of study. Assuring that he will marry me, accused took me to Munnar, Kovalam and Kumarakam during the period November 2019 to January 2020. We had stayed together at hotels and on the basis of the assurance given by him, we had physical relationship. Thereafter in March, he started keeping away from me. I called him and insisted for marriage. He refused. After March, he closed down the institution, left the place and refused to attend my telephone calls. Hence the complaint.

PW2

I am the mother of the defacto complainant. I know the facts of the case. Accused used to come to our house during the period 2019 to 2020. He used to spend time with my daughter and on one occasion, it was confirmed by him that he proposed to marry the defacto complainant. I do not specifically know whether they have roamed around places, stayed together at any place or hotels, since, often the defacto complainant used to stay with her friend near the tuition centre, when she was busy with her studies.